FEDERAL REGISTER

VOLUME 24 NUMBER 181

Washington, Wednesday, September 16, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Breaded Onion Rings [1]

On May 14, 1959 a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3887) regarding a proposed issuance of the United States Standards for Grades of Frozen Breaded Onion Rings.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Breaded Onion Rings are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.4061 Product description.
52.4062 Types of frozen onion rings.
52.4063 Grades of frozen onion rings.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

FACTORS OF QUALITY

Sec.
52.4064 Ascertaining the grade.
52.4065 Ascertaining the rating for the factors which are scored.
52.4066 Color.
52.4067 Defects.
52.4068 Character.

METHOD OF ANALYSIS

52.4069 Method of analysis.

LOT INSPECTION AND CERTIFICATION

52.4070 Ascertaining the grade of a lot.

SCORE SHEET

52.4071 Score sheet for frozen breaded onion rings.

AUTHORITY: §§ 52.4061 to 52.4071 issued under secs. 202–208, 60 Stat. 1087 as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.4061 Product description.

"Frozen breaded onion rings," hereinafter referred to as "frozen onion rings," is the product prepared from clean and sound, fresh onion bulbs (Allium cepa) from which the root bases, tops and outer skin have been removed. The onion bulbs are sliced and separated into rings, coated with batter (or breaded) and may or may not be deep fried in a suitable fat or oil bath. The product is prepared and frozen in accordance with good commercial practice and maintained at temperatures necessary for the proper preservation of the product.

§ 52.4062 Types of frozen onion rings.

The type of frozen onion rings applies to the method of preparation of the product, and includes:

(a) "French fried" onion rings that have been deep fried in a suitable fat or oil bath prior to freezing.

(b) "Raw breaded" onion rings that have not been oil blanched or cooked prior to freezing.

§ 52.4063 Grades of frozen onion rings.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen onion rings that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and for those factors which are rated in accordance with the scoring system

(Continued on p. 7437)

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THE CONGRESS

EXECUTIVE AGENCIES

FEDERAL REGISTER

REpublic 7-7500 Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 3B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

outlined in this subpart, the total score is not less than 85 points: *Provided,* That the frozen onion rings may possess a reasonably good color and a reasonably good character if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen onion rings that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen onion rings that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.4064 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics;
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	*Points*
Color	30
Defects	40
Character	30
Total score	100

(b) *Evaluation of quality.* The rating for the factors of color and defects and the evaluation of similar varietal characteristics are determined by observing the product in the frozen state and after it has been prepared by heating in a suitable manner; the factors of character and flavor are evaluated within three minutes after the product has been prepared by heating in a suitable manner. (See § 52.4069.)

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means a good characteristic flavor and odor of properly prepared frozen onion rings. Such flavor is free from rancidity and bitterness; from pronounced carmelized or scorched flavors and objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.4065 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "25 to 30 points" means 25, 26, 27, 28, 29, or 30 points).

§ 52.4066 Color.

(a) (*A*) *classification.* Frozen onion rings that possess a good color may be given a score of 25 to 30 points. "Good color" means that the units possess a characteristic cream to golden color typical of properly prepared frozen onion rings; that the product is bright, practically uniform in color and after heating in a suitable manner, is practically free from units which vary markedly from the predominating color.

(b) (*B*) *classification.* If the frozen onion rings possess a reasonably good color a score of 21 to 24 points may be given. "Reasonably good color" means that the units may possess a light cream to brown color typical of frozen onion rings and may be variable in such typical color; that the product may be dull but not off color; and, after heating in a suitable manner, the variation in color of the units does not seriously affect the appearance of the product.

(c) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4067 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, dark carbon specks, imperfect rings, and from blemished units.

(b) *Definitions.* (1) "Rings" are prepared from slices that are cut at approximately right angles to the longitudinal axis of the bulb with approximately parallel, and reasonably uniform, thickness and are separated into circular sections with open centers.

(2) "Imperfect rings" are:
(i) Units that have not been separated into a single or double ring of the slice;
(ii) Portions of rings or rings not joined to form a continuous circle;
(iii) Slices that lack a hole in the center; and
(iv) Rings that are extremely irregular in shape.

(3) "Harmless extraneous material" means loose roots, tops or other loose portions of plant material.

(4) "Blemished" means that the appearance or eating quality of the onion portion of the unit is materially affected by roots, tops, unpeeled areas, root crowns, seed stems, discoloration of the onion ingredient, or by other means.

(c) (*A*) *classification.* Frozen onion rings that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the surfaces of the units are practically free from carbon specks; that not more than 25 percent, by weight, of the units may be imperfect rings; and that for each 16 ounces, on an average, of the frozen product there may be present not more than:

(1) One piece of harmless extraneous vegetable material; and

(2) One blemished unit: *Provided,* That the harmless extraneous vegetable material and blemished units in single packages of less than 16 ounces do not materially affect the appearance of the product, and

(3) That any carbon specks, imperfect rings, harmless extraneous vegetable material, blemished units, or any defect not specifically mentioned, individually or collectively, do not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* Frozen onion rings that are reasonably free from defects may be given a score of 28 to 33 points. Frozen onion rings that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the surfaces of the units are reasonably free from carbon specks; that not more than 40 percent, by weight, of the units may be imperfect rings; and that for each 16 ounces, on an average, of the frozen product there may be present not more than:

(1) Two pieces of harmless extraneous vegetable material; and

(2) Two blemished units: *Provided,* That the harmless extraneous vegetable material and blemished units in single packages of less than 16 ounces do not seriously affect the appearance of the product; and

(3) That any carbon specks, imperfect rings, harmless extraneous vegetable material, blemished units, or any defect not specifically mentioned, individually or collectively, do not seriously affect the appearance or edibility of the product.

(e) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4068 Character.

(a) (*A*) *classification.* Frozen onion rings that possess a good character may be given a score of 26 to 30 points. "Good character" means that after heating in a suitable manner, the external surfaces of the units are at least moderately crisp; the appearance and eating quality is not materially affected by cracking or unbreaded areas; the units are not oily, soggy, nor dry; and the onion ingredient is succulent and tender.

(b) (*B*) *classification.* If the frozen onion rings possess a reasonably good character a score of 21 to 25 points may be given. "Reasonably good character" means that after heating in a suitable manner, the external surfaces of the units are fairly crisp; the appearance and eating quality is not seriously affected by cracking or unbreaded areas; the units are not oily, soggy, nor dry; and the onion ingredient is reasonably tender.

(c) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHOD OF ANALYSIS

§ 52.4069 Method of analysis.

"Heated in a suitable manner" means heated by either of the following manners:

(a) *Oven method.* (1) Place the product while still in the frozen state on a piece of crumpled and partially straightened aluminum foil of sufficient size so that at least four ounces of the product may be spread in a single layer on the foil. If any of the units are stuck together they may be separated after the product remains in the heated oven for a few minutes. The aluminum foil may be supported by a piece of sheet metal or a shallow pan.

(2) Place foil and frozen contents into a properly ventilated oven preheated to 400 degrees F. and allow to remain 5 minutes or until the interior portions of the larger pieces are thoroughly cooked, or;

(b) *Deep frying.* Heating may be accomplished by any other method which will give comparable results such as deep frying in a suitable fat or oil bath at approximately 375 degrees F. until the larger pieces are thoroughly cooked.

LOT INSPECTION AND CERTIFICATION

§ 52.4070 Ascertaining the grade of a lot.

The grade of a lot of frozen onion rings covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.4071 Score sheet for frozen breaded onion rings.

Size and kind of container_____
Container mark:
Sample_____
Cases_____
Label_____
New weight (ounces)_____
Type: ( ) French fried: ( ) Raw breaded_____

Factors	Score points		
Color	30	(A)	25-30
		(B)	21-24
		(SStd.)	[1] 0-20
Defects	40	(A)	34-40
		(B)	[1] 28-33
		(SStd.)	[1] 0-27
Character	30	(A)	26-30
		(B)	21-25
		(SStd.)	[1] 0-20
Total score	100		

Similar varieties_____
Flavor ( ) Good; ( ) Reasonably good; ( ) Off-flavor_____
Grade_____

[1] Indicates limiting rule.

Dated September 11, 1959, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-7705; Filed, Sept. 15, 1959; 8:50 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1959

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of amending Sugar Regulation 813 (24 F.R. 5113, 5329) which established allotments of the 1959 sugar quota for the Domestic Beet Sugar Area totaling 1,998,717 short tons, raw value.

This amendment is necessary to allot the larger quota for the area established by Sugar Regulation 811, Amendment 2 (24 F.R. 7269) which established the 1959 quota for the Domestic Beet Sugar Area of 2,225,264 short tons, raw value, a quantity 226,547 short tons, raw value, more than previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (24 F.R. 5113) provide for the revision of this order without further notice or hearing for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area, and allotments set forth herein have been established in accordance with such findings.

Effective date. Allotments established in this order are larger than the allotments established in S.R. 813. To afford adequate opportunities to plan and to accomplish marketings of the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act: *It is hereby ordered,* That paragraph (a) of § 813.1 be amended to read as follows:

§ 813.1 Allotment of the 1959 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1959 sugar quota for the Domestic Beet Sugar Area of 2,225,264 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co.	318,038	5,944,636
American Crystal Sugar Co.	279,852	5,230,878
Buckeye Sugars, Inc.	10,745	200,841
Franklin County Sugar Co.	10,552	197,234
Great Western Sugar Co., The	549,932	10,279,103
Holly Sugar Corp.	341,844	6,389,607
Layton Sugar Co.	11,848	221,458
Menominee Sugar Co.	18,624	348,112
Michigan Sugar Co.	91,006	1,701,047
Monitor Sugar Division, Robert Gage Coal Co.	37,765	705,888
National Sugar Manufacturing Co.	9,076	169,645
Northern Ohio Sugar Co.	34,983	653,888
Spreckels Sugar Co.	223,683	4,180,991
Union Sugar Division of Consolidated Food Corp.	75,010	1,402,056
Utah-Idaho Sugar Co.	212,306	3,968,336
Any other person	0	0
Total	2,225,264	41,593,720

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 11th day of September, 1959.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 59-7707; Filed, Sept. 15, 1959; 8:50 a.m.]

[Sugar Reg. 815, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1959 Amendment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of amending Sugar Regulation 815.1 (24 F.R. 82), which established allotments of the direct-consumption portion of the 1959 mainland quota for Puerto Rico.

This amendment of S. R. 815.1 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811 (24 F.R. 7269) which established the direct-consumption portion of the 1959 mainland quota for Puerto Rico of 137,637 short tons, raw value, a quantity greater than the 136,113 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) substitute final 1958 data on entries of direct-consumption sugar for estimates of such quantities, and (3) determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

The substitution of final data for estimates of 1958 direct-consumption entries results in the 1954–58 average annual marketings set forth below, which are used herein in determining the allotments:

Allottee:	Average annual marketings 1954–58 (short tons, raw value)
Central Aguirre Sugar Co	6,436
Central Roig Refining Co	19,869
Central San Francisco	1,285
Porto Rican American Sugar Refy., Inc	80,294
So. Puerto Rico Sugar Corp	0
Western Sugar Refining Co	20,328
Total	128,212

Three allottees gave written notification declaring allotments deficits totaling 3,559 short tons, raw value. Two of these allottees, Central Aguirre Sugar Company and Central San Francisco, indicated that the maximum quantities they would be able to deliver under their 1959 direct-consumption allotments were 5,457 and 1,591 short tons, raw value, respectively. Accordingly, they released 1,772 and 18 tons, respectively, of their allotments. South Puerto Rico Sugar Corporation released its entire 1959 allotment of 1,769 tons.

The other three allottees indicated their ability to utilize additional allotments totaling 2,882 tons, a quantity 677 tons less than the 3,559 tons declared as allotment deficits. Accordingly, the total of the deficits is prorated to Central Roig Refining Company, Porto Rican American Sugar Refinery, Inc., and Western Sugar Refining Company, in the respective amounts of 1,024, 1,133 and 725 tons. The remainder of 677 tons is allotted to "all other persons".

Findings heretofore made by the Secretary in the course of this proceeding (24 F.R. 82) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered that paragraph (a) of § 815.1 be amended to read as follows:

§ 815.1 Allotment of the direct-consumption portion of 1959 sugar quota for Puerto Rico.

(a) *Allotments.* The direct-consumption portion of the 1959 sugar quota for Puerto Rico, amounting to 137,637 short tons, raw value, is hereby allotted as follows:

Allottee:	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	5,457
Central Roig Refining Co	21,855
Central San Francisco	1,591
Porto Rican American Sugar Rfy., Inc	85,586
Western Sugar Refining Co	22,271
All other persons	877
Total	137,637

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 11th day of September 1959.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 59-7708; Filed, Sept. 15, 1959; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 808, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.915 (Lemon Regulation 808, 24 F.R. 7199) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 11, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7673; Filed, Sept. 14, 1959; 8:49 a.m.]

[Milk Order 82]

PART 982—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

§ 982.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 16, 1959.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 9, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 16, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Amend § 982.41 (b) (1) and (c) by deleting the phrase, "during the months of February through July".

2. Amend § 982.44(f) by deleting the phrase, "during the months of February through July,".

3. Amend § 982.46 (a) (2) and (a) (3) by deleting the phrase, "during the months of February through July and Class II milk during other months".

4. Amend § 982.51(b) by deleting the phrase "For the months of February through July,".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of September 1959, to be effective on and after the 16th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-7747; Filed, Sept. 15, 1959; 11:21 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Miscellaneous Amendments

1. Part 713 is amended as follows:

a. Section 713.413(a) (3) (i) is changed to read:

(i) Upon request and after receipt of written evidence of acceptance of an appointment to commissioned status in a Regular or Reserve component of any branch of the Armed Forces. Discharge will be effective as of the day next preceding acceptance of such an appointment.

b. Section 713.413(a) (3) (iii) is deleted.

c. Section 713.413(a) (3) (v) is changed to read:

(v) When inter-service transfers are authorized under Title 10, U.S. Code, section 512, discharge shall be effected as of the day next preceding the date of enlistment in the gaining Armed Force.

d. Section 713.413(a) (3) (vi) is changed to read:

(vi) Upon receipt of written evidence from a licensed physician that a woman member is pregnant, regardless of marital status. If as a result of a spontaneous abortion or a still-birth, the pregnancy is terminated prior to separation from the service, a request for retention in the service, together with appropriate recommendation, may be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a nontherapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

e. Section 713.413(a) (3) (vii) is changed to read:

(vii) Upon receipt of written evidence that a woman member is the mother of a child under 18 regardless of the legal custody of the child; is the foster parent or adoptive parent or has personal custody of a child under 18; or is the stepparent of a child under 18 and the child lives within the household of the woman for a period of more than 30 days a year. In any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, discharge of the woman concerned shall not be effected without specific authorization of the Chief of Naval Personnel.

f. Section 713.413(a) (3) is amended by adding the following new subdivisions:

(x) Upon request to take final vows in a religious order. Such requests shall be accompanied by a statement or certificate, signed by the appropriate official of the religious order, showing, that in order to proceed further with acceptance into the religious order, separation from the Naval Reserve is required.

(xi) Upon request and after receipt of evidence of appointment as a duly ordained minister of religion. This does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization or one who may have been duly ordained a minister in accordance with the ceremonial, rite or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect or organization.

g. Section 713.413(a) (5) is changed to read:

(5) *Hardship or dependency.* By separate instructions, commandants and the Chief of Naval Air Reserve Training are authorized to transfer a Naval Reservist who has not completed his Ready Reserve obligation to the Standby Reserve-Active upon the request of the individual or his dependents when it is established by documentary evidence that his dependents would, by his call to active duty in an emergency, suffer extreme hardship greater than that which the dependents of other reservists can be expected to experience from their orders to active duty. The discharge of reservists on inactive duty for reason of hardship or dependency will be effected only after approval of the Chief of Naval Personnel in each individual case and will be governed and processed in accordance with the provisions of § 730.8 of this chapter. Requests for hardship or dependency discharge from those persons who have an additional service obligation remaining under the Universal Military Training and Service Act as amended (50 U.S.C. App. 451 et seq., 10 U.S.C. 651) normally will be disapproved, but appropriate action may be taken to defer the individual from active duty.

h. Section 713.413(b), including subparagraphs (1) to (3), is changed to read:

(b) *Discharge for cause.* Enlisted reservists on inactive duty are subject to discharge by reason of unsuitability, security, unfitness, or misconduct in accordance with pertinent sections of Part 730 of this chapter. See § 730.14(c) of this chapter which sets forth certain privileges which may be requested or waived by enlisted members who are subject to undesirable discharge.

i. Section 713.413 is amended by adding the following paragraph at the end:

(d) Full information regarding the reason for discharge together with substantiating evidence, where appropriate, shall be filed in the individual's service record.

(Sec. 6011, 70A Stat. 375; 10 U.S.C. 6011)

2. Part 765 is amended by deleting therefrom all of § 765.10.

Dated: September 10, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-7688; Filed, Sept. 15, 1959; 8:47 a.m.]

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Scope and purpose. Subchapter C is amended by insertion of new Part 730 which contains Navy and Marine Corps regulations implementing the Department of Defense provisions concerning administrative discharges and published in Part 44 of this title as recently revised (24 F.R. 1704).

Subpart A—Navy

Subpart B—Marine Corps

AUTHORITY: §§ 730.1 to 730.40 issued under sec. 161 of the Revised Statutes (5 U.S.C. 22); sec. 1162 and chapter 569 of Title 10, United States Code.

Subpart A—Navy

§ 730.1 Classification of discharges, enlisted personnel.

(a) For enlisted personnel there are 5 types of discharges with corresponding character, as follows:

Type of discharge	DD Form	Character of separation	Given by—
Honorable discharge	256N	Honorable	Administrative action.
General discharge	257N	Under honorable conditions	Do.
Undesirable discharge	258N	Conditions other than honorable	Do.
Bad conduct discharge	259N	do	General or special courts-martial.
Dishonorable discharge	260N	Dishonorable	General courts-martial.

(b) There are eleven formal reasons for discharge of enlisted personnel:

Expiration of enlistment.
Fulfillment of service obligation.
Disability.
Convenience of the Government.
Dependency or hardship.
Minority.
Unsuitability.
Security.
Unfitness.
Misconduct.
Sentence of court-martial.

(c) The type of discharge and character of separation depend upon the reason for discharge, the military record, and certain other conditions as set forth in this subpart. If a commanding officer believes that an enlisted or inducted person is entitled to a type of discharge different from that indicated he should so recommend to the Chief of Naval Personnel. Such recommendation should be accompanied by a copy of page 9 of the service record completed to date. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy should be sent to the activity to which the person is to be transferred.

(d) As used in this subpart, the term "commanding officer" includes "officer-in-charge."

(e) "Military behavior" as used in this subpart refers to the conduct of the individual while a member of the naval service.

(f) "Military record" as used in this subpart includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the naval service.

(g) Except for misrepresentations (including omissions) made in connection with his enlistment or induction, activities that a member engaged in before he acquired status in the naval service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

§ 730.2 Determination of types of discharges for enlisted personnel.

(a) *Honorable discharge.* An honorable discharge is a separation from the service with honor. A separation with an honorable discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or subject to discharge and it has been determined that he merits an honorable discharge under the standards prescribed in this paragraph. Issuance of an honorable discharge is conditioned upon:

(1) Eligibility for discharge for one of the following reasons:

(i) Expiration of enlistment.
(ii) Fulfillment of service obligation.
(iii) Disability.
(iv) Convenience of the Government.
(v) Dependency or hardship.
(vi) Minority.
(vii) Unsuitability.
(viii) Security.
(ix) When directed by the Chief of Naval Personnel.

(2) Proper military behavior and proficient, industrious performance of duty having due regard to the rate held and the capabilities of the individual concerned.

(i) *Personnel on active duty.* During the enlistment, induction, or other service obligation the individual must:

(*a*) Have made a final average of not less than 2.7 and an average of not less than 3.0 in military behavior. (See article C–7821 of the Bureau of Naval Personnel Manual.)

(*b*) Not have been convicted by a general court-martial or by more than one special court-martial. However, in the case of an individual who is serving in his first enlistment or who has not served on extended active duty in the Navy during a previous enlistment, induction, or other service obligation the court-martial convictions shall be disregarded if he maintained an average of not less than 3.0 in military behavior during the last 24 months of active service.

(ii) *Personnel on inactive duty.* Since evaluation marks are not given a person on inactive duty an honorable discharge will normally be issued to:

(*a*) A naval reservist who has not served on extended active duty during his enlistment.

(*b*) A naval reservist who was retained beyond expiration of his naval reserve enlistment in order to fulfill his service obligation and who has not served on extended active duty during the enlistment or service obligation.

(*c*) A naval reservist who during his naval reserve enlistment or service obligation served on extended active duty and whose service upon release from active duty was characterized as "honorable."

(*d*) A naval reservist who had been transferred from the Regular Navy to the Naval Reserve in order to fulfill his service obligation and whose service while on active duty was characterized as "honorable."

An individual who is otherwise ineligible may receive an honorable discharge if

he has during his current enlistment or other current period of service been awarded a Medal of Honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Commendation Ribbon, Gold Life Saving Medal, Silver Life Saving Medal or any other Armed Forces award corresponding to any of these decorations, or is being discharged as a result of disability incurred in line of duty. In each case the individual's military record should be fully considered in connection with any action taken.

(b) *General discharge.* A general discharge is given for any of the reasons listed in paragraph (a)(1) of this section; it is a separation from the service under honorable conditions issued to an individual whose military record is not sufficiently meritorious to warrant an honorable discharge. A separation with a general discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or is subject to discharge and it has been determined that a general discharge is warranted under prescribed standards.

(3) *Undesirable discharge.* An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or security reasons.

(4) *Bad conduct discharge.* A bad conduct discharge is a separation from the service under conditions other than honorable. A bad conduct discharge may be given only by approved sentence of general or special courts-martial.

(5) *Dishonorable discharge.* A dishonorable discharge by its own connotation is a separation from the service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

§ 730.3 Summary of matters relating to discharges of enlisted and inducted personnel.

(a) The following tables of matters relating to discharges are furnished as a handy summary. More detailed instructions are contained in referenced sections of this part and articles of the Bureau of Naval Personnel Manual. The entries in the columns "Mileage," "Transportation in kind" and "Cash allowance" are shown for convenience but but shall not be considered as authoritative. The Joint Travel Regulations, U.S. Navy Travel Instructions, and the Navy Comptroller Manual, as appropriate, should be consulted in such matters.

(1) *Table of matters relating to honorable and general discharges.* (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Mileage	Issue of civilian clothing (§ 730.16)	Cash allowance (§ 730.16)	Retain and wear uniform to home (§ 730.16)	Recoupment of reenlistment bonus (Article A-4204)
Expiration of enlistment.	§ 730.4 and Article C-10317.	Yes	No	No	Yes	No.
Fulfillment of service obligation.	§ 730.4 and Article C-10317.	Yes	No	No	Yes	No.
Disability	§ 730.5	Yes	No	No	Yes	No.[1]
Convenience of the Government.	§ 730.6	Yes	No	No	Yes	No.[2]
Dependency or hardship.	§ 730.8	Yes	No	No	Yes	No.
Minority	§ 730.9	Yes	No	No	Yes	No.
Unsuitability	§ 730.10	Yes	Yes	No	No	(3).
Security	§ 730.11	Yes	Yes	No	No	(3).
Unfitness	§ 730.12	Yes	Yes	No	No	Yes.
Misconduct	§ 730.13	Yes	Yes	No	No	Yes.

[1] Reenlistment bonus is to be recouped in the case of separation by reason of disability resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence.
[2] Reenlistment bonus is to be recouped in the case of women members whose marriage constitutes the sole basis for such discharge, and in other cases when specifically directed by the Chief of Naval Personnel under the special and unusual circumstances discussed in article A-4204.
[3] When directed by Chief of Naval Personnel.

(2) Table of matters relating to undesirable, bad conduct, and dishonorable discharges. (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Transportation in kind	Issue of civilian clothing (§ 730.16)	Cash allowance (§ 730.16)	Retain and wear uniform to home (§ 730.16)	Recoupment of reenlistment bonus (Art. A-4204)
Security	§ 730.11	Yes	Yes	Yes	No	(1).
Unfitness	§ 730.12	Yes	Yes	Yes	No	Yes.
Misconduct	§ 730.13	Yes	Yes	Yes	No	Yes.
Court-martial sentence to BCD or DD.	Article C-10314	Yes	Yes	Yes	No	Yes.

[1] When directed by Chief of Naval Personnel.

§ 730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.

(a) Unless voluntarily or involuntarily retained beyond normal expiration of term of service as provided in this section or in applicable directives promulgated by the Secretary of the Navy or the Chief of Naval Personnel, enlisted and inducted personnel of the Regular Navy and enlisted personnel of the Naval Reserve serving on active duty shall be separated as follows:

(1) *Expiration of enlistment.* Discharge upon normal date of expiration of enlistment, extension of enlistment, or period of induction, provided that the individual does not have an additional service obligation as set forth in article C-1402 of the Bureau of Naval Personnel Manual. See paragraph (b) of this section for action to be taken if the individual has such an additional service obligation.

(2) *Fulfillment of service obligation.* Discharge upon fulfillment of service obligation acquired under the provisions of section 4(d) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d), 10 U.S.C. 651), provided no portion of the contractual enlistment or extension thereof remains to be served. Article C-10320 of the Bureau of Naval Personnel Manual contains information as to the requirements for fulfillment of service obligation.

(3) *Expiration of tour of active service.* Release to inactive duty upon completion of period of active obligated service or period of such service as voluntarily or involuntarily extended. (Applicable to Naval Reservists who have time remaining in their enlistment contract and/or who have an additional service obligation as set forth in article C-1402 of the Bureau of Naval Personnel Manual).

(b) Regular Navy personnel, including inductees, having an additional service obligation remaining upon completion of their enlistment, extension of enlistment, or period of induction shall, if otherwise eligible therefor, be transferred to the Naval Reserve and released to inactive duty in accordance with the provisions of article C-10319 of the Bureau of Naval Personnel Manual. Exceptions to the foregoing are those cases in which the individual desires, and is accepted for, immediate reenlistment in the Regular Navy in which event discharge will be effected in accordance with applicable instructions. See also article C-1407 of the Bureau of Naval Personnel Manual and implementing directives regarding extensions of enlistment. Such discharge and reenlistment or extension of enlistment do not relieve the individual of his service obligation. Time served in the reenlistment or extension of enlistment will be counted toward fulfillment of the service obligation. Mem-

bers of the Naval Reserve having an additional service obligation remaining upon completion of enlistment or extension of enlistment shall, if eligible therefor, be retained in the Naval Reserve to complete the service obligation.

(c) Conditions allowing early separation within 3 months of normal expiration of term of service are set forth in article C–10317 of the Bureau of Naval Personnel Manual.

(d) The normal date of expiration of a two, three, four, or six-year enlistment is respectively, the day preceding the second, third, fourth, or sixth anniversary of the date of enlistment, as adjusted for the purpose of making up any time lost from the enlistment. (10 U.S.C. 972; SECNAV Instruction 1626.4). The normal date of expiration of a minority enlistment is the day preceding the individual's twenty-first birthday as adjusted for the purpose of making up any time lost from the enlistment.

(e) Retention beyond normal expiration of enlistment or term of service: Under certain conditions personnel may legally be retained beyond date of expiration of enlistment or other period of obligated service, either voluntarily or involuntarily, until discharge, release to inactive duty, or transfer to the Naval Reserve and release to inactive duty is accomplished. Whenever a person is retained in service beyond expiration of enlistment, or other period of obligated service, entry as to the reason and authority for the retention shall be made on appropriate page of the person's service record and signed in accordance with article B–2305 of the Bureau of Naval Personnel Manual. Enlisted personnel may be held beyond expiration of their enlistment or other period of obligated service for any of the following reasons, as applicable:

(1) *Voluntary extension of enlistment.* Enlisted personnel may execute a voluntary agreement to extend enlistment in accordance with the provisions of article C–1407 of the Bureau of Naval Personnel Manual and implementing instructions.

(2) *Ship outside continental limits.* The normal date of expiration of enlistment or extension of enlistment of a person serving aboard a ship in foreign waters may be extended until return of the ship to a continental port of the United States, or until transfer of the person concerned to the separation activity nearest the port of debarkation. Retention for return to the United States may be effected upon voluntary request of the individual concerned or it may be effected by the senior officer present afloat if, in his opinion, the retention is essential to the public interests. Persons so retained shall be separated not later than 30 days after arrival in the United States. In order to be entitled to the increase of 25 percent in basic pay for the period of retention (10 U.S.C. 5540), the member must have been retained after the expiration of enlistment or extension of enlistment because his services were considered essential to the public interests as differentiated from desirability of the continuance of his services or some measure of benefit to be derived therefrom. (Specifically excluded from this provision are enlisted persons who are retained beyond the terms of their enlistments at shore stations, on ships on duty in waters in or around possessions and territories of the United States, or on ships on duty in ports or waters within the sovereign jurisdiction of the United States. Also excluded are members of the Naval Reserve who are retained on active duty beyond the expiration of their periods of obligated active service as distinguished from the normal date of expiration of enlistment.) Entry should be made on the administrative remarks page of the individual's service record as to whether or not the retention was essential to the public interests and the location of the ship at the time of the expiration of his term of enlistment. When a member has been retained after the expiration of his term of enlistment because his services were essential to the public interests, payment will be substantiated by a Commanding Officer's Military Pay Order (DD Form 114) in accordance with instructions contained in paragraph 044232.3, Navy Comptroller Manual.

(3) *Records and accounts of an individual not received by activity to which transferred for separation.* Such persons may be retained in service, with their consent, pending receipt of their records and accounts. Commanding officers shall take immediate steps to obtain records and accounts by communicating with the ship or station from and via which the individual was transferred for separation; duplicate service record may be requested from the Chief of Naval Personnel in order to expedite separation. In any case in which a person whose period of obligated service has expired requests immediate separation without awaiting receipt of records and accounts, the Chief of Naval Personnel should be informed promptly with request for information outlined in article C–10408 of the Bureau of Naval Personnel Manual; in all cases of this nature the individual's written request should be obtained and filed in the service record.

(4) *Serving in temporary officer appointment.* Enlistments are extended automatically in the case of personnel whose normal date of expiration of enlistment occurs while they are serving in a temporary officer appointment.

(5) *Undergoing medical treatment or hospitalization.* Enlisted personnel of the Regular Navy or Naval Reserve on active duty whose enlistments or enlistments as extended expire while they are suffering disease or injury incident to the service and who are in need of medical care or hospitalization may be retained in service beyond the normal date of expiration of their enlistments or enlistments as extended, with their consent which should be indicated in writing and signed by the individual concerned on the administrative remarks page of the service record. They may be retained until they shall have recovered to the extent which would enable them to meet the physical requirements for discharge and reenlistment, or until it shall have been ascertained that the disease or injury is of a character that recovery to such an extent would be impossible. Tacit consent may be assumed for retention in service beyond expiration of enlistment in cases of mental incompetency or physical incapacity. A person in this category ordinarily will not be retained in excess of 6 months beyond expiration of enlistment. Further retention may be authorized, however, in meritorious cases upon proper recommendation accompanied by the supporting facts. (10 U.S.C. 5537.)

(6) *Disability incurred not in line of duty.* (i) Not due to own misconduct: The enlistment of a person undergoing hospitalization for injury, sickness or disease incurred not in line of duty, not due to own misconduct, will not be extended under the provisions of subparagraph (5) of this paragraph. Unless the term of service is extended by some other provisions of this section, an individual in this status should be brought before a medical board at a time which will permit action to be taken on recommendation for disposition prior to expiration of term of service. If proceedings in accordance with law and regulations result in a determination that the individual is not physically fit for service or reenlistment and is to be discharged, discharge normally will be effected because of disability rather than expiration of enlistment or fulfillment of service obligation.

(ii) Due to own misconduct: The term of service of a person undergoing hospitalization for injury, sickness or disease the result of own misconduct is extended automatically by such lost time. See subparagraph (11) of this paragraph. Personnel in this status should be brought before a medical board at a time which will permit action to be taken prior to the date the term of service normally would expire if the person were not in a misconduct status. If it is determined in accordance with law and regulations that the individual is not physically fit for service or reenlistment, and recommendation for discharge is approved by proper authority, the individual will be awarded the type and character of discharge considered proper based on his medical and military records.

(iii) The records and accounts of personnel in either of the foregoing categories will not be closed until discharge is effected. The individual's service record shall bear appropriate entry regarding his status.

(7) *Detention in service during war or national emergency.* Enlistments and periods of obligated service of enlisted personnel in the naval service are extended, or may be extended by the Secretary of the Navy, in time of war or national emergency in accordance with the provisions of Title 10, United States Code, sections 511 and 5538.

(8) *Awaiting or undergoing trial and punishment by court-martial.* Jurisdiction having attached by commencement of timely action with a view to trial, as by apprehension, investigation, arrest, confinement, or filing of charges, continues for all purposes of trial, sentence, and punishment. If such action is initiated with a view to trial because of an

offense committed by an individual prior to his official discharge or separation, even though the term of enlistment or obligated service may have expired, he may be retained in the service for trial and punishment after his period of service would otherwise have expired.

(9) *Retention as party to a court of inquiry.* When an enlisted person has been named a party to a court of inquiry, and the proceedings have been entered upon prior to the expiration of enlistment or term of obligated service, the individual may be retained in the service as a party to the said court of inquiry, and for resultant trial if such is indicated.

(10) *Voluntarily making up lost time.* Enlisted personnel who before July 24, 1956 lost time in excess of 24 consecutive hours from their enlistments or enlistments as extended due to unauthorized absence, confinement, or nonperformance of duty (civil arrest) as defined in paragraph 044019.1, Navy Comptroller Manual, may be permitted to make up such lost time in order to complete the term for which they enlisted or extended their enlistments. In order to be valid, application to make up lost time must be submitted by the individual and approved by or on behalf of the commanding officer prior to expiration of the enlistment or extension of enlistment during which the time was lost. Appropriate entry shall be made on the administrative remarks page of the service record which shall reflect the date on which the application was approved.

(11) *Mandatorily making up lost time.* Instructions concerning mandatorily making up lost time due to sickness misconduct occurring before, on, or after July 24, 1956 and unauthorized absence, confinement, and nonperformance of duty (civil arrest) occurring on or after July 24, 1956 are contained in SECNAV Instruction 1626.4.

(f) Indebtedness: An individual who is otherwise eligible for separation will not be retained beyond his normal expiration of obligated service date to satisfy an indebtedness to the Government (or to an individual), or for the purpose of obtaining remission of indebtedness.

§ 730.5 Separation of enlisted personnel by reason of physical disability.

(a) When separation from the naval service is indicated by reason of physical disability, the individual concerned shall be reported upon by a board of medical survey or medical board. Members whose disabilities are considered to be incurred in active service normally will be processed by medical boards and physical evaluation boards; members with disabilities not incurred in service or aggravated by service normally shall be processed by boards of medical survey. Release or discharge by reason of physical disability will not be effected without prior approval of the Chief of Naval Personnel except where specific authorization has been delegated to certain commands.

(b) In general, an enlisted person will be separated from active service by reason of physical disability upon a determination that the individual concerned is physically unfit to perform the duties of his rate. Unfitness by reason of physical disability is defined as the member concerned being unable to perform the duties of his rate in such a manner as to reasonably fulfill the purpose of his employment on the active list.

(c) When court-martial proceedings or investigative proceedings which might lead to court-martial are indicated, pending, or completed, and in cases of uncompleted sentences of courts-martial involving confinement or discharge, the medical board report or report of medical survey, together with all pertinent facts relative to the disciplinary aspects of the case, shall be forwarded by the convening authority of the medical board, to the Chief of Naval Personnel via the Chief of the Bureau of Medicine and Surgery for action, and no further action toward final disposition of the case shall be taken until receipt of instructions from the Chief of Naval Personnel. If, subsequent to appearance before a physical evaluation board or board of medical survey, a member becomes subject to disciplinary action, a report by message with copy to the naval hospital which began the processing shall be submitted to the Chief of Naval Personnel stating action taken or contemplated.

(d) In the case of an individual whose enlistment has been extended at his own written request under the provisions of § 730.4(e)(5) the report should clearly indicate:

(1) Patient's status (held beyond normal expiration date of enlistment);

(2) Date of admission to sick list;

(3) Whether the individual is, or is not, fit for reenlistment. Should the board find an individual not fit for reenlistment, an opinion should be expressed as to whether or not satisfactory recovery is possible. A person in this category ordinarily will not be retained in excess of 6 months beyond the date on which the enlistment would have expired. Such further retention may be recommended in cases deemed to merit consideration by setting forth fully the facts on which the recommendation is based.

(e) Disposition of those individuals retained beyond the normal date of expiration of their enlistment under the provisions of § 730.4(e)(5) will be effected in accordance with the following:

(1) In cases where recovery is made to the extent that the individual becomes fit for return to full duty status, effect separation in accordance with § 730.4(a).

(2) If processing of a case by a physical evaluation board has been authorized, retain the individual in service until final disposition is directed by the Chief of Naval Personnel, unless the individual concerned states in writing that he does not desire to be retained until final action has been taken on the recommended findings and proceedings of a physical evaluation board.

(3) Those cases where maximum benefits of hospitalization result only in fitting the individual for return to limited duty will be reported upon by an appropriate medical board. Retain in service until final disposition is directed by the Chief of Naval Personnel.

Should the status of an individual not be resolved into one of the above categories by the end of 6 months beyond the normal expiration of term of enlistment, report by an appropriate medical board will be made to the Chief of Naval Personnel, via the Chief of the Bureau of Medicine and Surgery.

(f) Character of discharge: Character of discharge is governed by §§ 730.1 and 730.2. Enlisted personnel who, upon reporting for active duty, are found not physically qualified by reason of a disability which is reported on the Report of Medical Examination, Standard Form 88, provided the disability is considered not due to own misconduct, shall be issued an Honorable Discharge, DD Form 256N, by reason of disability. Such discharges are effected only when directed by the Chief of Naval Personnel in individual cases, or under special instructions issued by the Chief of Naval Personnel.

(g) Additional service obligation: In effecting discharges in accordance with this section, such discharges shall not only serve to terminate current enlistment contracts but also any additional service obligations which may have been incurred pursuant to section 4(d) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 454(d), 10 U.S.C. 651). (Article C-1402 of the Bureau of Naval Personnel Manual contains information and instructions concerning additional service obligations.) Appropriate entries to this effect shall be made in service records of those individuals discharged under the provisions of this section.

§ 730.6 Separation of enlisted personnel for convenience of the Government.

(a) The Chief of Naval Personnel may authorize or direct the separation of enlisted or inducted personnel prior to the expiration of their active obligated service dates for any one of the reasons listed herein. The term "separation" as used in this section includes discharge, transfer to the Naval Reserve and concurrent release to inactive duty, or release to inactive duty in certain cases of Naval Reservists serving on active duty who have time remaining in service obligation or enlistment contract.

(1) General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a permanent appointment as officer in any branch of the armed services.

(3) To permit immediate reenlistment at the request of the individual prior to normal expiration of enlistment in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(4) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(5) National health, safety or interest.

(6) Erroneous enlistment or induction.

(b) Subject to the following instructions, the commanding officer shall, as appropriate, discharge or transfer for

discharge for the convenience of the Government, an enlisted woman for any one of the following reasons: (The instructions contained in this paragraph should not be interpreted as precluding the commanding officer from forwarding any case to the Chief of Naval Personnel for decision should he consider such action appropriate.)

(1) Parenthood, when it is established that a woman is the parent, by birth or adoption, of a child under 18; has personal custody of a child under 18; is the stepparent of a child under 18 and the child resides within the household of the woman for a period of more than 30 days a year; or during her current enlistment or extension of enlistment, has given birth to a living child, in any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights to custody and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, the commanding officer shall not effect discharge of the woman concerned without specific authorization of the Chief of Naval Personnel.

(2) Pregnancy, upon determination by a naval medical officer, with type of discharge her service record warrants, regardless of marital status. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation and the woman desires to remain in the service, her request for retention, together with the commanding officer's recommendation, shall be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a non-therapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

(c) Marriage, upon written request to the commanding officer provided the woman meets the following conditions:

(1) Has served 12 months after completion of recruit training;

(2) Has served 18 months after completion of, or disenrollment from, a service school where the length of the course is 24 weeks or less, or has served 24 months after completion of, or disenrollment from, a service school where the length of the course is over 24 weeks;

(3) Has served 12 months subsequent to reenlistment or subsequent to a 2, 3, or 4 year extension of enlistment becoming operative;

(4) Has served 12 months subsequent to assignment to duty for which a voluntary agreement to extend enlistment was executed; or

(5) Has served 12 months from the date of reporting to an overseas duty station.

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. (See Art. A–4204 of the Bureau of Naval Personnel Manual for instructions relative to recoupment of reenlistment bonus, if paid.)

(d) Full information regarding the reason for separation shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

§ 730.7 Discharge of enlisted personnel for own convenience and furlough without pay.

(a) The Bureau of Naval Personnel, as a policy, will not discharge enlisted personnel for their own convenience. In this category are requests for discharge for the purpose of:

(1) Accepting civilian employment.

(2) Returning to school.

(3) Entering another branch of the armed forces in an enlisted status.

(4) Accepting employment with Government agencies in a civilian capacity.

(b) While the Bureau does not desire to prevent personnel from applying for discharges for personal reasons, such as the reasons stated in this section, such personnel should be carefully and completely informed of the Bureau's policy in this regard and discouraged from submitting an official request for discharge for any of these reasons. However, if the individual concerned still wishes to submit a request for discharge, permission should be granted to do so; in which case substantiating documents bearing on the particular case should be required of the applicant to accompany the request.

(c) Discharges by purchase will not be authorized.

(d) Furlough without pay: In time of peace, and under such regulations as the Secretary of the Navy may prescribe, furlough without pay for the period covering the unexpired portion of their enlistments may be granted enlisted personnel in lieu of discharge by purchase or by special directive. Furlough without pay is a privilege and not a right, and personnel granted such a furlough are subject to recall to duty in time of war or national emergency, to complete the unexpired portion of their enlistment. (10 U.S.C. 6296.)

(1) It is not the present policy to grant extended furloughs without pay. Should it be found expedient to grant such furloughs, the Chief of Naval Personnel may do so either without requiring refund or under the conditions listed below:

(i) Personnel serving in first enlistment:

(*a*) Seamen recruits or other enlisted personnel undergoing a period of recruit training, by reimbursing the Government for the cost of that portion of the outfit drawn and for the cost of transportation from the place of enlistment to the training station;

(*b*) Personnel other than those who enlist as seamen recruits, during the first 6 months of enlistment, by reimbursing the Government for the portion of uniform allowance drawn and the cost of transportation from the place of enlistment to the place of first duty.

(*c*) After the first year of enlistment, by reimbursing the Government for the cost of uniform furnished.

(ii) Personnel serving in second or subsequent enlistment, or extension of enlistment, who received no reenlistment allowance or uniform allowance upon reenlistment:

(*a*) During the first year of said reenlistment, or extension of enlistment, by reimbursing the Government for the cost of transportation from the place of enlistment to place of first duty thereafter;

(*b*) After first year of said reenlistment or extensions of enlistment, no refund.

(iii) Personnel serving in second or subsequent enlistment, or under extended enlistment, who received a reenlistment allowance upon reenlistment or upon extension of enlistment, and those who were credited with clothing allowance:

(*a*) During the first year of reenlistment or extension of enlistment, by reimbursing the Government for the total amount of the reenlistment allowance, the portion of clothing allowance issued, and the cost of transportation from place of enlistment to place of first duty.

(*b*) During the second year of reenlistment or extension of enlistment, by reimbursing the Government an amount equal to three-fourths of the reenlistment allowance and three-fourths of the clothing allowance issued.

(*c*) During the third year of reenlistment or extension of enlistment, by reimbursing the Government an amount equal to one-half the reenlistment allowance and one-half of the clothing allowance issued.

(*d*) After completion of the first 9 months of the fourth year of a 6-year reenlistment by reimbursing the Government an amount equal to one-fourth of the reenlistment allowance.

(2) Furloughs without pay will not be authorized for the manifest purpose of avoiding duty on a particular ship or station. It would be required that all applications be forwarded through official chanels, that applicants state their reasons for desiring the furlough and, further, that they waive all claim to transportation and travel allowance to their home or place of acceptance for enlistment; also that officers through whom applications are forwarded make comments and recommendations in each case by endorsement.

§ 730.8 Discharge or release to inactive duty for reasons of dependency and hardship.

(a) The Chief of Naval Personnel may authorize or direct the discharge or release to inactive duty of enlisted personnel for reason of dependency or hardship. Personnel who have an additional service obligation remaining under any provisions of law will normally be transferred to the U.S. Naval Reserve if otherwise eligible therefor and released to inactive duty, or, if already a member of the Naval Reserve, released to inactive duty to serve the remainder of the obligated service therein. Where the individual does not have an additional service obligation remaining, discharge may be directed. Article H–31203(1)(e) of the Buerau of Naval Personnel Manual (see § 713.413(a)(5) of this chapter) pertains to submission of requests for hardship or dependency discharge of Naval Reservists while on inactive duty.

(b) Enlisted personnel who desire to request discharge or release to inactive duty, as appropriate, for dependency or hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release to inactive duty will be authorized. While each such request received is carefully and sympathetically considered, final decision is based upon its individual merits.

(c) Policies governing discharge or release to inactive duty on account of dependency or hardship—

(1) Dependency or hardship discharges, or releases to inactive duty, will not be authorized solely for financial or business reasons; for personal convenience; when an individual is under charges or in confinement; or when an individual requires medical treatment.

(2) Discharges or releases to inactive duty will not be disapproved under the provisions of this section solely because an individual's services are needed in his assigned duties, or because he is indebted to the Government or to an individual.

(3) The Bureau may direct discharge or release to inactive duty when it is considered that undue and genuine hardship exists, that the hardship is not of a temporary nature, and that the conditions have arisen or have been aggravated to an excessive degree since entry into the service. Examples of meritorious cases are those in which the evidence shows that, either as a result of the death or disability of a member of an enlisted person's family, the separation of the person concerned is necessary for the support or care of a member or members of the family; or that the individual or the family is undergoing hardships more severe than normally encountered by dependents of families of members of the naval service, that this hardship is not of a temporary nature, that the separation of the individual will result in the elimination of, or will materially alleviate the condition, and that there are no means of alleviation readily available other than such separation. Pregnancy of an enlisted man's wife is not in itself a circumstance for which separation will be authorized.

(d) A written application for discharge or release to inactive duty for dependency or hardship shall be forwarded to the Chief of Naval Personnel via the enlisted person's commanding officer. Such a request must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one affidavit should be from the dependent concerned. The request should contain the following additional information.

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial obligations; specific amounts and modes of contribution to dependent.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any, and the reasons why these members cannot contribute to the necessary care or support of the individual's family. If dependency is the result of death of a member of the enlisted person's family occurring after entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the enlisted person's family occurring after entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof.

(e) Before forwarding the request the commanding officer shall interview the enlisted person concerned in order to elicit any further information and to insure that the required information is supplied. The forwarding endorsement shall include a definite recommendation and a statement regarding the status of any disciplinary action pending and of service schools attended.

(f) Any information concerning the private affairs of persons in the naval service, or of their families, is intended "For Official Use Only," and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

(g) It is not desired that a commanding officer request information and reports from the American Red Cross or other social service or welfare agency relative to an enlisted person's home conditions when an individual submits or desires to submit a request for separation for dependency. However, if a report of the Red Cross or other agency is received by the commanding officer, which may have a bearing on the case, it should be forwarded to the Chief of Naval Personnel for consideration. The Bureau will request information in individual cases from the Red Cross or other agency when such action is considered expedient.

(h) Procedures for affecting separation by reason of dependency or hardship of individuals who have a UMT&S (Universal Military Training and Service) obligation remaining:

(1) *Regular Navy Personnel, enlisted or inducted.* When transfer to the Naval Reserve and release to inactive duty are directed by the Chief of Naval Personnel the procedures contained in article C–10319 of the Bureau of Naval Personnel Manual shall be followed with the exception that such individuals shall be assigned to the Standby Reserve—Active (USNR–S1) in lieu of the Ready Reserve.

(2) *Naval Reservists serving on active duty.* When release to inactive duty is authorized, the following action will be taken:

(i) Complete appropriate parts of page 14 of the service record and make entry under the "Remarks" column to indicate date of release to inactive duty and obligated service as follows:

Released for reasons of hardship/dependency to inactive duty in the U.S. Naval Reserve to complete the service obligation acquired under Universal Military Training and Service Act, as amended. Upon completion of travel time to be placed in Standby Reserve—Active (USNR–S1). Obligated to serve in the U.S. Naval Reserve until _____, unless sooner discharged.

(ii) Issue a Report of Separation From the Armed Forces of the United States, Form DD 214. Forward service and health records to the commandant having cognizance. A new service record will not be opened. Distribute copies of page 14 and Form DD 214 in accordance with current instructions.

(iii) Issue orders covering release to inactive duty. Distribution of copies shall be made as shown on sample form in article C–10403 of the Bureau of Naval Personnel Manual.

(iv) Immediately upon receipt of the service record, the commandant will place an entry on page 13 showing transfer of the individual from the Ready Reserve to the Standby Reserve—Active (USNR–S1).

§ 730.9 Discharge of enlisted personnel by reason of minority.

(a) The Chief of Naval Personnel may authorize or direct the discharge of enlisted personnel for minority. Discharge may be authorized or directed for this reason in accordance with existing law, or as an administrative act when it is considered to be in the best interest of the Government. Article C–1402 of the Bureau of Naval Personnel Manual sets forth the minimum statutory and administrative ages for enlistment in the naval service.

(b) Under existing law (10 U.S.C. 5533, 6293; 50 U.S.C. App. 456(1)) written consent of custodial parent or legal guardian must be obtained prior to the enlistment of a male person under 18 years of age, or of a female person under 21 years of age. Because of the desire of impetuous youths to enter the service, they sometimes falsify consent papers and/or record of birth in order to obtain enlistment or induction. If it comes to the attention of a commanding officer that a male person under the age of 18, or a female person under the age of 21, may have enlisted in the naval service without written consent of custodial parent or legal guardian, or that the minor's age may have been misstated, such information shall be reported to the Chief of Naval Personnel immediately. In submitting this report, the commanding officer should include the following:

(1) Documentary evidence of the minor's true age.

(2) Request for discharge from parent or guardian—if received.

(3) Voluntary statement of the minor as to the circumstances attending his or her enlistment.

(4) In case of a male minor who is 17 years of age or over or a female minor who is 18 years of age or over, the statement of the commanding officer as to whether in his opinion the minor concerned is sufficiently mature for retention. A negative opinion in this respect should, where practicable, be accompanied by a qualified psychiatric evaluation, otherwise by a medical evaluation. Similar documentation and information should be submitted in the case of an inductee who may be eligible for dis-

charge under paragraph (c)(4) of this section.

When, on the basis of documentary evidence and other information, it appears that discharge of the minor may be authorized or directed under the provisions of paragraph (c) or (d) of this section, the minor should be retained at, or transferred to, a continental shore station and the Chief of Naval Personnel promptly informed accordingly.

(c) Discharge of enlisted men by reason of minority is governed by the following provisions:

(1) *Under statutory age.* Discharge from the Regular Navy or Naval Reserve of a male minor who is determined to be under the minimum statutory age for enlistment (14) is mandatory and application of his parent or guardian is not required. This provision is not applicable to a minor who is enlisted while under the minimum statutory age limit and remains in the service after reaching the statutory age. Such a case will be processed in accordance with subparagraph (2) of this paragraph where appropriate.

(2) *Under administrative age.* The discharge of a male minor from the Regular Navy or Naval Reserve will be authorized or directed upon receipt of satisfactory evidence that he is under the administrative age for enlistment (17). Discharge under these circumstances will be effected regardless of whether the parent or guardian consented to the enlistment or reenlistment or requested the minor's discharge, provided that the minor has not attained age 17.

(3) *Application of parent or guardian.* If a male minor has been enlisted without proper consent and has attained his 17th birthday, his discharge will be authorized or directed upon receipt of satisfactory evidence as to his true age and of an application for his discharge submitted by his custodial parent or legal guardian provided that such application has been received by the naval service within 90 days of the enlistment and that the minor has not attained age 18 at the time the application was received.

(4) *Inductee under proper age.* The discharge of an inductee who is under the age of 18 years and 6 months at the time his age is verified will be authorized or directed regardless of whether the parent or guardian has requested his discharge, unless, pursuant to Selective Service regulations, the minor, after attaining age 17, volunteered for induction with the written consent of his custodial parent or legal guardian.

(d) The discharge of an enlisted woman who is determined to be under the statutory age for enlistment (18) is mandatory, and application of her parent or guardian is not required. If a woman minor has been enlisted without proper consent and has attained her 18th birthday, her discharge will be authorized or directed upon receipt of satisfactory evidence as to her true age and of an application for her discharge submitted by her custodial parent or legal guardian provided that such application has been received by the naval service within 90 days of the enlistment and that the minor has not attained age 21 at the time the application was received.

(e) Special instructions will be issued by the Chief of Naval Personnel to certain commands, from time to time, relative to the disposition to be made in cases of minors, who, after enlistment, are discovered to have misrepresented their ages or to have enlisted without proper consent. In the absence of such special instructions any cases in the above categories shall be reported as provided in paragraph (b) of this section.

(f) The enlistment of a minor with false representation as to age, or without consent, will not in itself be considered a fraudulent enlistment.

(g) A person whose enlistment or induction is terminated by reason of minority shall not, as a result of such enlistment or induction, be considered to have acquired a service obligation under section 4(d)(3) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d)(3), 10 U.S.C. 651), nor is service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired obligation.

(h) In effecting the discharge of an individual by reason of minority, the character of discharge shall be given as indicated in §§ 730.1 and 730.2.

(i) The commanding officer effecting a minority discharge shall notify the next of kin, giving the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the persons concerned as derogatory to the individual or to reflect adversely on his character.

(j) When an individual is separated by reason of being under the authorized age for enlistment but is considered sufficiently mature for naval service, and is in all other respects qualified, an entry shall be made under "Remarks" on the DD Form 214 to the following effect: "Recommended for reenlistment upon reaching the authorized age for enlistment." Otherwise, this item will be left blank.

§ 730.10 Discharge of enlisted personnel by reason of unsuitability.

(a) Enlisted personnel may be separated, by reason of unsuitability, with an honorable or general discharge, as warranted by their military record. Such discharge regardless of attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel. Discharge by reason of unsuitability will not normally be issued in lieu of disciplinary action except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge. From time to time the Chief of Naval Personnel may issue special instructions to certain field activities for the elimination of the unsuitable among enlisted personnel.

(b) Attention is directed to § 730.14 which prescribes the procedure for submission of reports and recommendations for discharge by reason of unsuitability.

(c) Discharges by reason of unsuitability are effected to free the service of persons considered unsuitable for further naval service because of:

(1) *Inaptitude.* Applicable to those persons who are best described as inapt due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) *Character and behavior disorders.* Duly diagnosed character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress, as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949" (NavMed P–1303).

(3) Apathy, defective attitudes and inability to expend effort constructively: As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(4) Enuresis (frequently a manifestation of a basic defect in personality development).

(5) Alcoholism: Chronic, or addiction to alcohol (frequently a manifestation of a basic defect in personality development).

(6) Homosexual tendencies (frequently a manifestation of a basic defect in personality development).

(7) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(d) Enlisted personel separated by reason of unsuitability will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment) only when specifically directed by the Chief of Naval Personnel. (Article A–4204 of the Bureau of Naval Personnel Manual deals with that refund.)

(e) Enlisted personnel serving on board ships or oversea stations who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to a separation activity within the continental United States to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel.

§ 730.11 Discharge of enlisted personnel by reason of security.

Enlisted personnel may be separated by reason of security with an honorable, general, or undesirable discharge in accordance with departmental directives concerning the administration of the military personnel security program. (See Part 729 of this chapter.)

§ 730.12 Discharge of enlisted personnel by reason of unfitness.

(a) Enlisted personnel may be separated, by reason of unfitness, with an undesirable discharge or with a higher type discharge. Such discharge, regardless of attendant circumstances, will be effected only when directed by the Chief of Naval Personnel.

(b) Attention is directed to § 730.14, which prescribes the procedure for sub-

mission of reports and recommendations for discharge by reason of unfitness.

(c) An enlisted person will be recommended for discharge by reason of unfitness to free the service of persons whose military record is characterized by one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child under age 16, or (vi) other indecent acts or offenses.

(3) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(d) Discharge by reason of unfitness will not be issued in lieu of disciplinary action except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge.

(e) Enlisted personnel separated by reason of unfitness, regardless of the character of separation, will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment). (Article A-4204 of the Bureau of Naval Personnel Manual deals with that refund.)

(f) Enlisted personnel serving on board ships or overseas stations who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to a separation activity within the continental United States to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of instructions from the Chief of Naval Personnel.

§ 730.13 Discharge of enlisted personnel by reason of misconduct.

(a) Enlisted personnel may be separated, by reason of misconduct, with an undesirable discharge or with a higher type discharge. Such discharge, regardless of the attendant circumstances, will be effected only when directed by the Chief of Naval Personnel.

(b) The Chief of Naval Personnel may direct the discharge of an enlisted person for misconduct in any of the following cases:

(1) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice (10 U.S.C. 801-940) is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM (Manual for Courts-Martial) Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(2) Procurement of a fraudulent enlistment, induction, or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. The enlistment of a minor with false representation as to age or without proper consent will not in itself be considered as a fraudulent enlistment.

(3) Prolonged unauthorized absence. When unauthorized continuous absence of 1 year or more has been established but punitive discharge has not been authorized by competent authority. This includes cases of administratively declared deserters who have been absent without authority for a year or more, but whose trial for desertion or absence without leave is deemed inappropriate or impracticable.

(c) Attention is directed to § 730.14, which prescribes the procedure for submission of reports and recommendations for discharge by reason of misconduct. Action as prescribed by § 730.14 is mandatory in all cases falling within the purview of paragraph (b) of this section.

(d) From time to time the Chief of Naval Personnel may issue special instructions to naval training centers relative to the disposition of cases where recruits are discovered to have concealed or misrepresented information on their enlistment papers.

(e) Enlisted personnel separated by reason of misconduct, regardless of the character of separation, will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment.) Article A-4204 of the Bureau of Naval Personnel Manual deals with that refund.)

§ 730.14 Preparation of brief form and other documents required under §§ 730.10, 730.12, and 730.13.

(a) The cases of enlisted personnel under consideration for discharge by reason of unsuitability, unfitness, or misconduct under §§ 730.10, 730.12, or 730.13 respectively shall be prepared as set forth herein. Commanding officers shall ensure that complete and carefully prepared briefs are submitted and that the instructions in this section are scrupulously adhered to.

(b) An enlisted person being considered for a discharge by reason of unsuitability shall be informed as to the basis for the contemplated action and shall be afforded an opportunity to make a statement in his own behalf.

(c) An enlisted person who is subject to undesirable discharge by reason of unfitness under § 730.12 or by reason of misconduct under § 730.13 shall, if his whereabout is known, be informed as to the basis for the contemplated action and afforded an opportunity to request or waive, in writing, any or all of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board (unless in civil confinement or otherwise unavailable).

(3) To be represented by counsel who, if reasonably available, should be a lawyer.

(4) To submit statements in his own behalf.

If the individual submits a written request to have his case heard by a field board of officers, the commanding officer shall convene an administrative board in accordance with § 730.15. The recorder for the field board shall be furnished with the completed brief of the case (paragraph (g) or (h) of this section), as appropriate, and the service record of the individual concerned.

(d) Those cases processed under § 730.12 or § 730.13 wherein the individual waives or does not request field board action and those cases wherein the individual is processed under § 730.10 shall be forwarded, together with all pertinent papers, direct to the Chief of Naval Personnel to final action.

(e) When discharge under § 730.10 or § 730.12 is contemplated, a brief shall be prepared in the format of Exhibit 1 (see paragraph (g) of this section) in accordance with the following instructions:

(1) *Summary of military offenses.* List in chronological order all disciplinary action during current enlistment. Include service record entry page numbers, date of non-judicial punishment or court-martial by type, description of offense(s), non-judicial punishment or sentence as approved and approval data, and all violations of brig or retraining command regulations during current confinement with action taken thereon.

(2) *Unclean habits, if any.* Substantiate all unclean habits including the occurrence of repeated venereal disease infections during the current enlistment. When reporting venereal diseases, indicate the date of each admission and nature of the infection.

(3) *Civil conviction, if any, on the basis of information contained in the service record or otherwise readily available.* List date and court in which convicted, offense, and sentence awarded.

(4) *Enclosures.* (i) Individual's signed statement in own behalf. If an undesirable discharge is being considered, statement should include, "I have been advised that I may be discharged under other than honorable conditions and the reasons therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement * * *".

If the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

(ii) Copy of page 9 of the service record.

(iii) Individual's signed request for or waiver of privileges outlined in paragraph (c) of this section. (Note that this requirement does not apply to cases processed under § 730.10.)

(iv) Other pertinent documents such as psychiatric or medical evaluation (especially in aberrant sexual behavior cases), police report, etc.

(v) Comment and recommendation of commanding officer and/or concurrence or non-concurrence if case is heard by a field board. If the commanding officer contemplates recommending a less favorable disposition than that proposed by the field board or if the pertinent section (§ 730.12 or § 730.13) permits a less favorable disposition than that proposed by the field board, the commanding officer shall inform the individual accordingly and afford him an opportunity to submit such additional statement as he desires in an effort to show cause why a less favorable action should not be finally taken.

(f) When a case is processed under § 730.13, a brief shall be prepared in the format of Exhibit 2 (see paragraph (h) of this section), in accordance with the following instructions:

(1) *Circumstances of offense(s) in detail.* Include a brief resumé of the circumstances surrounding the offense and the pertinent dates.

(2) *Action of civil authorities.* Include citation of any civil statute(s) violated, charge on which tried and convicted, court in which convicted, and maximum punishment which could have been imposed for such a conviction under the UCMJ (Uniform Code of Military Justice), D.C. Code, or Title 18, U.S. Code as applicable (see § 730.13).

(3) *Previous civil convictions, if any, on the basis of information contained in the service record or otherwise readily available.* List date and court in which convicted, offense, and sentence awarded.

(4) *Summary of military offenses, if any.* List in chronological order all disciplinary action during current enlistment. Include service-record entry page numbers, date of non-judicial punishment or court-martial by type, description of offense(s), non-judicial punishment or sentence as approved and date of approval, and all violations of brig or retraining command regulations during current confinement with action taken thereon.

(5) *Remarks.* Include location of individual's records, any unauthorized absence involved, and disciplinary action taken or pending, identification of any other military personnel involved in the case, etc.

(6) *Enclosures.* (i) Individual's signed statement in own behalf. All such statements should include, "I have been advised that I may be discharged under other than honorable conditions and the reasons therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement * * *". If statement cannot be obtained, or if the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

(ii) Statement of witnesses, arrest reports, copies of court records, probation orders, or any other pertinent documents.

(iii) Copy of page 9 of the service record.

(iv) Individual's signed request for or waiver of privileges outlined in paragraph (c) of this section. If such request cannot be obtained, include information relative to the attempt made to get the request.

(v) Comment and recommendation of commanding officer and/or concurrence or non-concurrence if case is heard by a field board. If the commanding officer contemplates recommending a less favorable disposition than that proposed by the field board or if the pertinent section (§ 730.12 or § 730.13) permits a less favorable disposition than that proposed by the field board, the commanding officer shall inform the individual accordingly and afford him an opportunity to submit such additional statement as he desires in an effort to show cause why a less favorable action should not be finally taken.

(g) Exhibit 1: Brief concerning individuals processed under (check one).

( ) Article C-10310, BuPers Manual (§ 730.10)
( ) Article C-10311, BuPers Manual (§ 730.12)

U.S.S. LST 9999 (*Ship or Station*) — 15 January 1959 (*Date*)

DOE	John	Robert	123 45 67	SN	USN	50	45
(*Surname*)	(*First Name*)	(*Middle*)	(*Service No.*)	(*Rate*)	(*Class*)	(*AFQT*)	(*GCT*)

Date of birth: 9/1/38 Date of current enlistment: 11/1/56 for four years

a. Summary of military offense(s):
1/2/57 NJP—Pg 13-(3)—UA 2 days—2 wks. restr.
3/3/57 NJP—Pg 13-(5)—UA 1 day—1 wk. extra duty.
4/5/58 NJP—Pg 13-(7)—Failed to obey lawful order—2 wks. extra duty.
6/8/58 SCM—Pg 6-(1)—UA 15 days—15 days conf. approved.
8/9/58 SPCM—Pg 6-(2)—UA 20 days—1 Month conf., Forf. $30 a mo. for 1 mo.—approved.
1/2/59 NJP—Pg 13-(9)—UA 5 hrs.—1 wk. restr.

b. Venereal disease infections:
2/10/57—Gonococcus.
5/20/58—Gonococcus.

c. Civil Convictions (if any):
12/3/57—Convicted by civil authorities of drunkeness and fined $5.00.

d. Encl:
(1) Signed statement of subject man.
(2) Copy of page 9.
(3) Medical evaluation.
(4) Signed request for (or waiver of) privileges under paragraph (3) (§ 730.14(c)).

A. B. SEE
(*Signature of Commanding Officer*)

[Abbreviations: AFQT—Armed Forces Qualification Test, BuPers—Bureau of Naval Personnel, GCT—General Classification Test, NJP—Non-Judicial Punishment (imposed under 10 U.S.C. 815), Pg—Page of service record, restr.—restriction, SCM—Summary Court-Martial, SN—Seaman, SPCM—Special Court-Martial, UA—Unauthorized Absence.]

(h) Exhibit 2: Brief concerning individuals processed under § 730.13.

U.S. NAVRECSTA, Long Beach, California (*Reporting Command*) — 11/16/58. (*Date*)

JONES	Rhodes	Bart	123 45 67	BM2	USN	18	41
(*Surname*)	(*First Name*)	(*Middle*)	(*Service No.*)	(*Rate*)	(*Class*)	(*AFQT*)	(*GCT*)

Date of current enlistment: 1/11/57 for six (6) years.
Date of birth: 5/7/32.

CIVIL OFFENSE(S)

a. Circumstances of offense(s) in detail:
While on authorized leave on 9/10/58 arrested by the civil authorities of Colorado Springs, Colorado, on the charge of auto theft.

b. Action of civil authorities:
Tried on 10/10/58 at Colorado Springs, Colorado, for violation of Colo. Rev. Stat. section 40-5-10 (Car Theft) and convicted. Received an indeterminate term up to five years confinement. Presently serving his sentence at the Colorado State Prison, Canon City, Colorado. Maximum penalty—Article 121, UCMJ, 5 years.

c. Previous civil offense(s) (if any):
None.

d. Summary of Military Offense(s):
6/30/57 NJP—Pg 13-(5)—UA 4 hours.—1 wk restr.
9/14/57 NJP—Pg 13-(7)—Viol. of Station Order—1 wk restr.

e. Remarks:
Records and effects located at this command. No other naval personnel involved.

Encl:
(1) Signed statement of subject man.
(2) Arrest report.
(3) Signed request for (or waiver of) privileges under paragraph (3) (§ 730.14(c)).

A. B. SEE
(*Signature of Reporting Officer*)

[Abbreviations: NAVRECSTA—Naval Receiving Station, UCMJ—Uniform Code of Military Justice (10 U.S.C. 801-940). See also paragraph (g) of this section.]

§ 730.15 Field boards of officers.

(a) *Appointment and composition.* When a field board hearing is to be held, the commanding officer shall appoint a board of not less than three commissioned officers in an active duty status to consider the case. The board may be composed of Regular or Reserve Navy or Marine Corps officers, or a combination thereof. If the individual under consideration (hereinafter called respondent) is a woman, the board must include a woman officer. The commanding officer shall also appoint as recorder

an officer in an active duty status. If the respondent requests in writing that he be represented by counsel but does not specify a particular person, the commanding officer shall appoint as counsel for the respondent an officer on active duty who, if reasonably available, is a law specialist, a graduate of a law school, or a member of the bar of a federal or state court. If the commanding officer determines that such an officer is not reasonably available, he shall appoint an officer he considers qualified to act as counsel for the respondent. When practicable, a person selected by the respondent will be appointed as his counsel. The respondent may retain civilian counsel at his own expense, and any previously appointed counsel may accordingly be excused. The hearing should not be unduly delayed to permit attendance by counsel. If undue delay appears likely, other counsel who is immediately available should be selected or appointed.

(1) If the respondent is a reservist, the membership of the board shall, if available, include a majority of officers of reserve components. In any instance where a majority of Reserve members is not available, the board will include not less than one Reserve officer among its members and the record shall contain a certificate by the appointing authority as to the unavailability of Reserve officers to constitute a majority of the board.

(2) *Senior member.* The senior member of the board presides at the hearing and is responsible for its proper conduct. Prior to the hearing, the senior member shall ensure that all members of the board are familiar with the provisions of pertinent sections of this subpart.

(3) *Recorder.* The recorder is responsible for the clerical and preliminary work of the hearing, but is not a member of the board. He conducts a preliminary review of available evidence and interviews prospective witnesses prior to the hearing after warning them of their rights under Article 31, Uniform Code of Military Justice (10 U.S.C. 831), where appropriate. After consultation with the commanding officer and the senior member, he notifies the members, respondent, and counsel as to the time, date, and place of the hearing. Subject to the provisions of paragraph (b) of this section, the recorder arranges for the attendance at the hearing of the respondent, all witnesses for the government, and military witnesses for the respondent. He verifies the information contained in the brief concerning the respondent and assembles pertinent directives, regulations and records for use by the board. At the hearing he presents the case against the respondent. He is responsible for preparing the report of the hearing.

(4) *Reporter.* Although a summary of testimony will normally suffice, the recorder or senior member may request a reporter for the purpose of making a verbatim record of the testimony if it appears that a substantial number of witnesses will testify, that the testimony will be lengthy, or that other good reason exists for making a verbatim record.

(b) *Obtaining witnesses.* No authority exists for the issuance of subpoenas in connection with these hearings. Appearance as witnesses of civilians including members of the Armed Forces on inactive duty may be arranged for on a voluntary basis. Appropriations are not available to pay witnesses' fees or reimbursement for travel and other expenses of such persons and this fact shall be made known to them if and when they are invited to appear and testify at the hearing. Attendance at the hearing of military personnel on active duty who are in the local area will be arranged for by the recorder. Testimony of active duty military personnel not in the immediate area, if needed, should be obtained and presented in the form of written statements.

(c) *General procedural instructions.* The proceedings of boards of officers under the provisions of this section shall be conducted with dignity. They need not conform to provisions of the Manual for Courts-Martial, United States, or of the Naval Supplement thereto relating to Courts of Inquiry or Investigations. Such provisions may, however, be followed in specific cases and, if followed, will satisfy the requirements of this section. Whenever applicable, Article 31, Uniform Code of Military Justice (10 U.S.C. 831), is to be complied with. Attention is directed to the fact that (1) military personnel on active duty may not be compelled to testify or produce evidence that will incriminate them, nor may they be required to answer questions not material to the issue which might tend to degrade them and (2) civilians, including members of the Armed Forces on inactive duty, may not be compelled to testify or produce evidence at the hearing. The board should consider any matter presented which is relevant to the issue whether written or oral, sworn or unsworn. Real evidence as distinct from testimonial evidence may be exhibited to the board and should be accurately described or photographed for the record. The board may refuse to consider or to consider further any oral or written matter presented if it is irrelevant, immaterial, or unnecessarily repetitive and cumulative, but no such matter should be rejected or withheld from consideration on the ground that it would be incompetent for presentation to a court of law. The board will rely on its own judgment and experience in determining the weight and credibility to be given material received in evidence. Board proceedings under this section should not be in the nature of a formal fact-finding tribunal or judicial trial but should be formalized to the extent of assuring full opportunity for presentation of the respondent's case. If an objection is made at any stage during the proceedings the senior member will ensure that the objection and the basis therefor are noted in the record but should not make a formal ruling thereon. Any member of the board may be challenged but only on grounds which show that the member cannot render a fair and impartial decision. The challenged member may be examined by the respondent, his counsel, and other members of the board. The commanding officer, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member if he deems such action appropriate.

(d) *Conduct of hearing.* (1) The senior member, upon calling the meeting to order, should direct the recorder to make a record as to the time, date, and place of the hearing, the identity and presence of the appointed members of the board and of the recorder, the respondent, his counsel, and any witnesses. The senior member should then commence the hearing by explaining in substance that:

(i) The board has been convened for the purpose of considering the pertinent facts relating to the case of (name, service number, rate, and class) who it is alleged (state the specific allegations against the respondent). The board will make findings of fact, a recommendation as to the disposition to be made in this case and will render an opinion as to character of separation to be given, if separation is recommended by the board.

(ii) The proceedings are administrative in nature, and the board is not bound by formal rules of evidence.

(iii) The respondent has the right to present evidence, to examine all witnesses, and to hear all evidence against him. (If evidence is classified observe the provisions of the Department of the Navy Security Manual for Classified Information.)

(iv) The respondent has the right to submit an oral or written statement in his own behalf.

(v) The respondent may testify in his own behalf or remain silent, and, if he testifies, he may be examined on his testimony and on the question of his general credibility.

(vi) There is no right of peremptory challenge, but a member may be challenged for cause.

(vii) Objections will be heard and noted, but there will be no formal ruling thereon.

NOTE: When the provisions of the Manual for Courts-Martial or of the Naval Supplement thereto are to be followed in a specific case, the senior member will modify the foregoing explanations accordingly.

(2) After the preliminary procedures have been completed, the recorder will present the case against the respondent who will be afforded the opportunity for rebuttal and for presentation of evidence. The general procedural instruction stated in paragraph (c) of this section will be followed. Witnesses will be excluded except while testifying. Before testifying, each witness and the respondent will be asked whether or not he elects to give his testimony under oath or affirmation. Where indicated, the following oath or affirmation will be administered by the recorder: "You swear (or affirm) that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth. So help you God." (Note: In the admin-

istration of an affirmation, the words, "So help you God," are omitted.) After all evidence is in and questioning and oral argument, if any, are completed the hearing will be closed.

(e) *Report of Board.* The board will make and render its findings, recommendation, and opinion in closed session. The report of the field board of officers shall be completed, using exhibit 3 set forth in paragraph (g) of this section as a guide, and shall be signed by all members. The dissent of any member will be duly recorded therein. Where a verbatim record has been made, only so much of the verbatim oral testimony as bears upon the critical situations of the case, should be incorporated into the record of proceedings; and remainder may be summarized. Written testimony and statements which had not been furnished the board with the brief shall be attached to the record as exhibits. The complete record will be authenticated by the senior member, or other member if he is not immediately available. The respondent will not normally be provided with a copy of the report and record of proceedings.

(f) *Review and forwarding of reports.* After reviewing the record of the hearing and the report of the board, the commanding officer shall note on the report his concurrence or non-concurrence in the findings, recommendations, and opinion of the board and enter any additional comment deemed appropriate. If the commanding officer determines that the respondent should be retained in the service, the case will be closed without further action except where sexual perversion or conviction by civil authorities is an issue. All cases in which discharge is deemed appropriate by the commanding officer and those in which sexual perversion or conviction by civil authorities is an issue shall be forwarded to the Chief of Naval Personnel for final action. The letter of transmittal should forward the case assembled in the following order: (1) Signed report of the board, (2) signed brief with enclosures, (3) authenticated record of hearing, (4) any exhibits considered by the board which were not furnished as enclosures to the brief.

(g) *Exhibit 3.* Report of field board of officers in the case of—

Name _____ (last, first, middle) _____ Service No. _____ Rate _____ Class _____.

Findings of the Board: The respondent (has) (is) (Use one or more of the following)

- ☐ Had frequent involvement of a discreditable nature with civil or military authorities.
- ☐ Chronic alcoholism or addicted to alcohol. ☐ A drug addict.
- ☐ Without authority (used) (possessed) habit forming narcotic drugs or marijuana.
- ☐ A sexual pervert. ☐ Committed homosexual acts. ☐ Homosexual tendencies.
- ☐ An established pattern showing dishonorable failure to pay just debts.
- ☐ An established pattern for shirking.
- ☐ Been convicted of a civil offense within the purview of Article C–10312 (§ 730.13).
- ☐ Prolonged unauthorized absence within the purview of Article C–10312 (§ 730.13).
- ☐ Perpetrated a fraudulent (enlistment) (induction).
- ☐ Other (explain).

Board Recommendation: ☐ Discharge. ☐ Retain. ☐ Release to inactive duty.

Opinion of Board as to character of separation: ☐ Honorable. ☐ Under honorable conditions. ☐ Under conditions other than Honorable. ☐ Type warranted by Service Record.

Signature of Board Members: (Include name, grade, and component)

_____

_____

_____

Dissent: (Reasons) _____

_____

_____

_____

(Signature—Include name, grade, and component)

Findings, recommendation and opinion of majority: ☐, Concurrence. ☐ Non-Concurrence.

(Comment, if any) _____

_____

_____

(Commanding Officer—Include name, grade, and component)

(h) *Board of officers convened by the Chief of Naval Personnel.* There is established within the Bureau of Naval Personnel an Enlisted Performance Evaluation Board composed of not less than three officers, which, inter alia, considers those cases as are referred to it. The rules set forth in paragraph (a) (1) of this section apply also to this board. The findings, recommendations and opinions of this board are reviewed and acted upon by the Chief of Naval Personnel. One purpose of this board is to ensure uniformity of action and to afford fair and impartial treatment in all cases referred to it. Each case is decided on its individual merits, and there are many factors to be considered and weighed in arriving at a decision in any given case. All matters of record, including such variables as the person's military record, civil record, age, GCT/AFQT (General Classification Test/Armed Forces Qualification Test) education, length of service, performance marks, psychiatric and medical determinations, duty stations, nature of offense and actions taken thereon, length of time since commission of last offense, individual's statement, the field board action (when applicable), commanding officer's comments and recommendations, and other pertinent factors are carefully considered, evaluated, and correlated in arriving at a proper decision. Many cases from various commands are reviewed and final action taken in comparable cases should be consistent and equitable.

(i) *Action by the Chief of Naval Personnel.* (1) Unless the member consents to an undesirable discharge with a waiver of board proceedings, such a discharge may be effected only pursuant to the findings of a board of officers as approved by the Chief of Naval Personnel.

(2) Based upon consideration of the findings, recommendations, and opinions of a field board and/or the Enlisted Performance Evaluation Board and/or other circumstances, final action approved by the Chief of Naval Personnel may, in some cases, be different from the action proposed by a field board or recommended by the commanding officer. In cases heard by a field board, the final action shall not be less favorable than the one proposed by the field board or the Enlisted Performance Evaluation Board and, if it is less favorable than the one proposed by the field board, shall not be effectuated unless the individual has been afforded an opportunity to make representations in an effort to show cause why such less favorable action should not be taken and such representations have been fully considered by the Enlisted Performance Evaluation Board. Final action will normally be promulgated by form letter without including reasons for the action taken.

§ 730.16 General provisions and restrictions relating to enlisted separations.

(a) *Effective time of discharge.* (1) The discharge of an enlisted person separated by reason of expiration of enlistment or fulfillment of service obligation, including an early discharge given under article C–10317 of the Bureau of Naval Personnel Manual on a date within 3 months of the normal date of expiration of an enlistment or service obligation, takes effect at midnight on the last day of service under the contract or service obligation from which such discharge is being effected. If discharge is being effected as a result of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status, the discharge will, for administrative purposes, be dated as of the date preceding such immediate entry or reentry.

(2) Discharge for any other reason takes effect on delivery of the discharge certificate.

(b) *Effective time of release to inactive duty.* The release to inactive duty of a reservist who was called to active duty as a reservist takes effect at the actual time of his arrival home or at the expiration of his authorized travel time, whichever is earlier. The release to inactive duty of members of the Regular Navy transferred to the Naval Reserve and concurrently released to inactive duty takes effect at midnight of the last day of active service.

(c) *Civilian clothing.* An enlisted man (or woman) who is discharged by reason of unsuitability, security, unfitness, or misconduct with an honorable or general discharge or who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge shall have the outer garments and distinctive parts of the uniform which are in the individual's possession at time of discharge taken from him (or her). When the items of clothing authorized to be retained are insufficient in type or quantity to provide the dischargee with an outfit of civilian clothing suitable for wearing home, items of civilian clothing not exceeding $30 in cost may be issued at no cost to the dischargee to augment the retained clothing. These clothes shall be furnished without regard to the state of the person's accounts or amount of per-

sonal funds in the individual's possession. Individuals transferred prior to the actual execution of the discharge shall take all their uniforms with them to the place to which transferred. (Detailed instructions regarding issuance of civilian clothing and recovery of uniforms of dischargees are set forth in the Bureau of Supplies and Accounts Manual, paragraph 42601.)

(d) *Wearing of uniform after discharge.* Enlisted personnel discharged with honorable or general discharge, except those discharged by reason of unsuitability, security, unfitness, or misconduct, are entitled to retain their uniforms and may within 3 months after discharge wear them from place of discharge to their homes. The 3-month period relates to the period between the date of discharge and the date of the person's arrival at home, and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired.

(e) *Cash allowance.* An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed $25 or such portion thereof as will, together with other funds available to the individual concerned, total $25. (Detailed instructions regarding cash allowance are set forth in the Navy Comptroller Manual, paragraph 044180.)

(f) *Not recommended for reenlistment.* Every enlisted person discharged who is not recommended for reenlistment shall be informed orally that fraudulent enlistment in any branch of the service undoubtedly will be detected by fingerprints, and that if concealment of previous service and discharge results in reenlistment that person will be subject to disciplinary action.

(g) Information concerning the Honorable Discharge Button is set forth in article B-2108 of the Bureau of Naval Personnel Manual.

(h) Information concerning recoupment of reenlistment bonus is set forth in article A-4204 of the Bureau of Naval Personnel Manual.

§ 730.17 Cancellation of illegal enlistments.

(a) A legal enlistment may not be canceled. An illegal enlistment must be canceled. Illegal enlistments include those entered into when the enlisted person is:

(1) Intoxicated;

(2) Insane;

(3) A deserter from the military or naval forces of the United States in time of war (except such deserters as may be enlisted upon permission of competent naval authority thereunto authorized by the Secretary of the Navy).

(b) All cases of apparent illegal enlistment shall be reported immediately to the Chief of Naval Personnel. After confirmation of the facts, the Chief of Naval Personnel will direct the action to be taken and the disposition of the person concerned.

Subpart B—Marine Corps

§ 730.21 General.

All discharges and separations of enlisted personnel will be governed by and made in accordance with the provisions of Part E of Chapter 10, Marine Corps Manual, and are applicable to all enlisted and inducted personnel. The provisions relating to administrative discharges and related matters are republished in this subpart.

§ 730.22 Types and reasons for discharge; special considerations.

(a) There are 5 types of discharges, with corresponding characters, as follows:

Type of discharge	Character of separation	Given by—
Honorable discharge.	Honorable	Administrative action.
General discharge.	Under honorable conditions.	Do.
Undesirable discharge.	Conditions other than honorable.	Do.
Bad-conduct discharge.	do	General or special court-martial.
Dishonorable discharge.	Dishonorable	General court-martial.

(b) There are twelve formal reasons for discharge which are as follows:

(1) Expiration of enlistment or fulfillment of service obligation, as applicable.
(2) Convenience of the Government.
(3) Own convenience.
(4) Dependency or hardship.
(5) Minority.
(6) Disability.
(7) Unsuitability.
(8) Unfitness.
(9) Misconduct.
(10) Sentence of court-martial.
(11) Security.
(12) When directed by the Secretary of the Navy.

(c) The type of discharge and character of separation are based on the member's military record.

(1) Military record as used herein includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the service. The military record is not limited to entries in the service record, but includes all information pertaining to the military record.

(2) Military behavior as used herein refers to the conduct of the individual while a member of the service.

(3) An honorable discharge is a separation from the service with honor.

(4) A general discharge is a separation from the service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an honorable discharge.

(d) Except for misrepresentations, including omissions, made in connection with an enlistment or induction, any activities that a member of the service engaged in before he acquired status in the service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

(e) An honorable or general discharge will be issued, as warranted by the individual's military record, when discharge is for one of the following reasons: Expiration of enlistment, convenience of the Government, own convenience, dependency or hardship, minority, disability, and unsuitability. When the discharge of an individual for one of the foregoing reasons is directed by higher authority, and such authority does not specify the type of discharge or character of separation, the commanding officer effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the individual in accordance with instructions herein.

(f) In those cases where an individual may be issued either an honorable or general discharge, and the commanding officer or higher authority is of the opinion that the individual concerned should be issued a type of discharge different from that indicated by conduct and proficiency markings as set forth herein, a full report of the circumstances with recommendations shall be forwarded to the Commandant of the Marine Corps (Code DMB) for decision. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy will be forwarded to the activity to which the person is to be transferred.

(g) Commanding Generals of Marine Corps Recruit Depots will determine the type of discharge to be issued to a recruit who is discharged prior to completion of recruit training for one of the reasons listed in subparagraph (e) of this section, unless otherwise directed by higher authority. The determination of type of discharge in such cases will not be delegated to commanding officers. An honorable or general discharge will be issued, as warranted by the individual's military record in accordance with instructions herein. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case.

(h) An honorable, general, or undesirable discharge may be issued when discharge is for security reasons. Discharge for security reasons will be effected only when directed by the Commandant of the Marine Corps or the Secretary of the Navy after appropriate proceedings in accordance with separate directives which deal explicitly with this matter. (Part 729 of this chapter.)

(i) An undesirable discharge will be issued when an individual is discharged by reason of unfitness or misconduct, unless otherwise directed by the Commandant of the Marine Corps.

(j) When a commanding officer is considering recommending an individual of the rank of Sergeant (E-5) or above

for discharge by reason of unsuitability, unfitness or misconduct, he may, where considered appropriate, request from the Commandant of the Marine Corps (Code DGK), copies of fitness reports and any other pertinent information which may be related to the reason for discharge, or type of discharge to be issued.

§ 730.23 Honorable discharge.

(a) An honorable discharge is a separation from the service with honor. Issuance of an honorable discharge is conditioned upon:

(1) Proper military behavior. In the case of personnel of the rank of Corporal (E–4) and below, proper military behavior will be evidenced by the possession of a minimum final average conduct mark of 4.0.

(2) Proficient and industrious performance of duty commensurate with the rank held and the capabilities of the individual concerned. In the case of personnel of the rank of Corporal (E–4) and below, such performance of duty will be evidenced by the possession of a minimum final average proficiency mark of 3.0.

(3) Eligibility for discharge by virtue of one of the following reasons:

(i) Expiration of enlistment or fulfillment of service obligation, as applicable.

(ii) Convenience of the Government.

(iii) Own convenience.

(iv) Dependency or hardship.

(v) Minority.

(vi) Disability.

(vii) Unsuitability.

(viii) Security.

(ix) When directed by the Commandant of the Marine Corps or Secretary of the Navy.

(b) An honorable discharge will not be issued if an individual has been convicted of an offense by general court-martial or has been convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extensions thereof, except as provided in paragraphs (c) and (d) of this section. In other instances, where a commanding officer or higher authority considers that, in view of particular circumstances, an enlisted or inducted person should receive an honorable discharge as an exception to the foregoing, he should so recommend to the Commandant of the Marine Corps (Code DMB), forwarding a full report of the circumstances.

(c) An individual who has been awarded one of the following listed decorations during his current enlistment, period of obligated service, or any extension thereof, may, where otherwise ineligible, be given an honorable discharge: Medal of Honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Commendation Ribbon, Gold Life Saving Medal, Silver Life Saving Medal, or any decorations of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the individual's military record.

(d) An individual, who is discharged by reason of physical disability incurred in line of duty may, where otherwise ineligible, be given an honorable discharge. Each case will be determined on the basis of the individual's military record.

§ 730.24 General discharge.

(a) A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

(1) A military record not sufficiently meritorious to warrant an honorable discharge.

(2) Eligibility for discharge by virtue of one of the reasons listed in § 730.23 (a) (3).

(b) When it is considered that a general discharge may be warranted in lieu of an honorable discharge in the case of a noncommissioned officer of the rank of Sergeant (E–5) or above, a report of the circumstances with recommendations may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination. Such procedure is not appropriate when a general discharge is clearly warranted based on information pertaining to the military record of the individual which is available to the commanding officer effecting discharge.

§ 730.25 Undesirable discharge.

An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or for security reasons. However, notwithstanding the foregoing, whenever the particular circumstances in a given case so warrant, a recommendation for an administrative discharge other than an undesirable discharge may be made to the Commandant of the Marine Corps (Code DMB). An undesirable discharge will not be issued in lieu of trial by court-martial except upon the determination of a general officer exercising general court-martial jurisdiction, or by higher authority, that the interests of the service as well as the individual will best be served by administrative discharge. This does not preclude recommendations for an undesirable discharge when an individual is in a disciplinary status or disciplinary action is pending.

§ 730.26 Bad conduct discharge.

A bad conduct discharge is separation from the service under conditions other than honorable. A bad conduct discharge may be given only by approved sentences of general or special courts-martial and is appropriate for offenses that warrant separation as included punishment but are not of sufficiently grave a nature as to warrant dishonorable separation.

§ 730.27 Dishonorable discharge.

A dishonorable discharge, as its title denotes, is a separation from service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

§ 730.28 Table of matters relating to discharges.

The following table of matters relating to discharge is furnished as a ready reference. The entries in the table are to be considered as a guide only. Pertinent references should be consulted for detailed instructions and exceptions under certain conditions.

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for discharge	Authority	Conditions affecting the type and character of discharges	Character of discharge	DD (Department of Defense) Form	Mileage[1]	Transportation in kind[1]	Issue civilian clothing[2]	Cash allowance[3]	Retain and wear uniform home[4]
Expiration of enlistment or fulfillment of service obligation, as applicable.	§ 730.29	§§ 730.22-730.24.	Honorable or under honorable conditions.	DD 256-MC, DD 257-MC.	Yes	No	No	No	Yes.
Convenience of the Government.	§ 730.32	do	do	do	Yes	No	No	No	Yes.
Own convenience.	§ 730.33	do	do	do	Yes	No	No	No	Yes.
Dependency or hardship.	§ 730.34	do	do	do	Yes	No	No	No	Yes.
Minority	§ 730.35	do	do	do	Yes	No	No	No	Yes.
Disability	§ 730.31	do	do	do	Yes	No	No	No	Yes.
Unsuitability	§ 730.36	do	do	do	Yes	No	Yes	No	No.
Security	§ 730.39	§§ 730.22 (h), 730.23, 730.24.	Honorable or under honorable conditions or Undesirable.	do	Yes	No	Yes	No	No.
		§§ 730.22 (h), 730.25.		DD 258-MC.	No	Yes	Yes	Yes	No.
Unfitness	§ 730.37	§§ 730.22 (i), 730.25.	Undesirable.	do	No	Yes	Yes	Yes	No.
Misconduct	§ 730.38	§§ 730.22 (j), 730.25.	Undesirable.	do	No	Yes	Yes	Yes	No.
Sentence of court-martial.	Marine Corps Manual ¶10279.	§§ 730.26, 730.27.	Bad conduct or dishonorable.	DD 259-MC, DD 260-MC.	No	Yes	Yes	Yes	No.

[1] See Marine Corps Manual, paragraph 10304, and Joint Travel Regulations.
[2] See Marine Corps Manual, paragraph 10310.
[3] See Marine Corps Manual, paragraph 10313, and Navy Comptroller Manual, paragraph 044180.
[4] See Marine Corps Manual, paragraph 10324.

§ 730.29 Discharge for reason of expiration of enlistment or fulfillment of service obligation.

(a) Commanding officers are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.

(b) Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of Part G of the Marine Corps Manual. Paragraph 10351 of the Marine Corps Manual will be cited as the authority for discharge.

§ 730.30 Discharges at sea.

Discharges will not be executed while an enlisted person is attached to a Marine detachment afloat, except for the purpose of immediate reenlistment, or accepting a commissioned or warrant rank.

§ 730.31 Discharge for physical disability.

The Commandant of the Marine Corps, and commanding officers, when specifically authorized by separate directive, may direct or effect discharge for physical disability when as a result of medical findings, an individual has been found physically unfit to perform the duties of his rank. Discharge for reasons of physical disability is given only as the result of an individual's appearance before a Physical Evaluation Board or a board of medical survey. Further instructions are set forth in paragraph 10308 and Part I of Chapter 10 of the Marine Corps Manual.

§ 730.32 Discharge for convenience of the Government.

(a) The Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for the convenience of the Government for any one of the following reasons:

(1) General demobilization or by an order applicable to all members of a class of personnel specified in the order.

(2) To accept appointment as an officer in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces for active duty only.

(3) To accept appointment as a cadet or midshipman to the Military, Air Force, Coast Guard, or Naval Academy.

(4) Upon certification by a medical officer that an enlisted woman is pregnant, the commanding officer shall discharge the woman for the convenience of the Government, or in the case of overseas commands will transfer the enlisted woman to the continental United States for discharge. The type of discharge certificate issued will be as warranted by her service record, regardless of her marital status. In the case of discharge for reason of pregnancy of an unmarried minor (under 21 years), the commanding officer will notify the parents or guardian of the woman concerned. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation from the service, the woman will be discharged unless she requests in writing that she be retained in the service. In such case, the woman may, at the discretion of the commanding officer be retained in the service, if found physically qualified.

(5) For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. It is not expected that cases of this nature will come to the attention of individual commanding officers. However, should such be the case, a prompt report containing all available information should be made to the Commandant of the Marine Corps (Code DMB).

(6) By reason of erroneous induction, such as over 26 years of age when inducted, when so stated by the Office of the Director of Selective Service. Any case coming to a commanding officer's attention which purports to be of this nature shall be investigated as fully as possible and a complete report, including such certified statements as appear necessary, made promptly to the Commandant of the Marine Corps (Code DMB).

(7) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(b) The commanding officer shall discharge for the convenience of the Government or, in the case of overseas commands will transfer to the continental limits of the United States for discharge:

(1) A married enlisted woman, at her own request, regardless of date of marriage, subject to the restrictions set forth below:

(i) Has completed at least 12 months of active duty in current enlistment subsequent to completion of recruit training.

(ii) If the woman has successfully completed a service school course, she must have served 6 months after the completion of said course.

(iii) The active service in any case must total a minimum of 12 months in current enlistment exclusive of recruit training.

(2) An enlisted woman when it is established that such woman:

(i) Is the parent by birth or adoption of a child under eighteen; or

(ii) Has personal custody of a child under eighteen; or

(iii) Is the step-parent of a child under eighteen and the child is within the household of the woman for a consecutive period of more than 30 days a year; or

(iv) During her current enlistment or extension of enlistment has given birth to a living child.

§ 730.33 Discharge for own convenience.

(a) The Commandant of the Marine Corps may authorize or direct the discharge of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of (1) entering another branch of the Armed Forces in an enlisted status, (2) accepting civil employment, or (3) accepting employment with other Government agencies in a civilian capacity.

(b) It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request.

(c) Discharges "by purchase" will not be authorized.

§ 730.34 Discharge or release from active duty for reason of dependency or hardship.

(a) The Commandant of the Marine Corps and all Marine general officers in command may authorize and direct the discharge or release from active duty of enlisted personnel for dependency or hardship.

(b) Enlisted persons who desire to request discharge or release from active duty for dependency or hardship reasons shall be informed of these regulations and of the proper procedure to follow. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits.

(c) Undue hardship does not exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Discharge or release from active duty by reason of hardship or dependency will not be authorized:

(1) For personal convenience alone.

(2) When the Marine is in a disciplinary status. This does not preclude submission of application while in a disciplinary status.

(3) When the Marine requires medical treatment.

(4) Solely by reason of the pregnancy of the Marine's wife.

(d) Discharge or release from active duty will not be disapproved under the provisions of this section solely because:

(1) The enlisted person's services are needed in his organization.

(2) He is indebted to the Government or to an individual.

(e) Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when the following conditions are met:

(1) Undue and genuine dependency or hardship exists.

(2) Dependency or hardship is not of a temporary nature.

(3) The Marine has tried to relieve the hardship by means of application for quarters allowance and voluntary contributions.

(4) Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is when the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.

(5) Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and that there are no means of alleviation readily available other than by such discharge.

(f) After explaining the regulations to an applicant, he will be permitted to submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial obligations; specific amounts and methods of contributions to dependent.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any (where applicable, incomes to include monetary benefits derived as the result of being beneficiary to a life insurance policy indicating whether payment was made in a lump sum settlement or on a monthly basis), and the reasons why these members cannot provide the necessary care or support of the individual's family; or a statement that no members of the family have been omitted.

(7) If dependency is the result of death of a member of the Marine's family, occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after his entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

(g) The immediate commanding officer will forward such application by endorsement, including:

(1) A definite recommendation.

(2) A statement regarding service obligation.

(3) Status of any disciplinary action pending.

(4) Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he shall be required to produce substantiating evidence, such as money order receipts, etc.

(h) Commands authorized to direct discharge or release from active duty in accordance with this authority are further authorized to make the final determination, when the Marine concerned has a military obligation, as to whether the conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of obligated service. If it is considered that the hardship or dependency will continue throughout the period of obligated service, the Marine may be discharged, in which case the period of obligated service is terminated.

(i) Upon receipt of a written request from the individual concerned, together with the supporting evidence outlined in paragraph (f) of this section, the command will:

(1) Review carefully the basis on which the request is made.

(2) Commands exercising discharge authority may request supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of individuals for hardship. These requests will be restricted to specific information in those cases only where additional information is needed to make a determination. If the case is disapproved after receipt of the American Red Cross report, the command will include the report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

(3) Appoint a board, consisting of not less than three (3) members, before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the Board to study and evaluate all available information, interview the applicant, and make recommendations to the command concerning ultimate disposition of the case, including a recommendation as to whether an individual who has a remaining service obligation should be discharged or released from active duty.

(4) If the discharge or release from active duty is considered warranted, the command will take final action on the application. If the individual is discharged, application and all supporting papers will be forwarded, with closed service record, to the Commandant of the Marine Corps (Code DGK). For those individuals released from active duty, the application and supporting papers will be forwarded to the Commandant of the Marine Corps (Code DGH); service records will be forwarded to the appropriate reserve command in accordance with current directives.

(5) If the discharge or release from active duty is not considered warranted, the command will forward the application with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (Code DMB), for review and final determination. The synopsis should contain any pertinent information not included in the man's application or other supporting documents that will aid in making final determination.

(j) In effecting separations under this authority, the procedures set forth below will be followed:

(1) If the individual to be separated has a home of record in the continental United States:

(i) Commands located in the United States will effect the separation locally.

(ii) Commands located outside the United States will transfer the individual concerned to the nearest Marine Corps activity in the United States for separation.

(2) If the individual to be separated is entitled to and elects transportation to a point outside the United States upon separation, he will be transferred to the Marine Corps activity nearest to the point to which transportation is authorized.

(k) Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

§ 730.35 Discharge for reason of minority.

(a) Subject to the restrictions contained in paragraph (d) of this section, the Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for minority when it is considered to be in the best interests of the Government.

(b) Subject to the restrictions set forth in paragraph (d) of this section all Marine general officers in command are authorized to effect the discharge of enlisted or inducted personnel for reason of minority. Overseas commands will transfer personnel to the United States for such discharge.

(c) Organizations not in the jurisdiction of one of the commands listed above will forward a report of the case to the Commandant of the Marine Corps (Code DMB), including the evidence prescribed in paragraph (f)(1) of this section; a definite recommendation as to desirability for retention, and a statement from the subject person. If the person is not considered desirable for retention, he shall be retained at, or transferred to, a continental shore station and the Commandant of the Marine Corps will be so advised.

(d) Discharge for minority may be effected subject to the following restrictions:

(1) *Regular Marine Corps and Marine Corps Reserve.* (i) If under a verified age of 17 years, the individual will be discharged regardless of whether or not he enlisted with proper consent.

(ii) If it has been verified that the individual has passed his 17th birthday but not his 18th, he will be discharged, provided: (*a*) Enlistment was made without proper consent, and application of parent or guardian for release was made within 90 days from the date of enlistment; or (*b*) if in the opinion of the commanding officer the individual is not sufficiently mature for retention.

A negative opinion in this respect should be supported, if practicable, by a qualified psychiatric evaluation.

(iii) When it has been verified that the individual has passed his 18th birthday he will be retained.

(2) *Inductee.* (i) If the individual is under 18 years and six (6) months of age, when verified, he will be discharged unless, pursuant to Selective Service regulations, the minor, after attaining age 17, volunteered for induction with the written consent of his custodial parent or legal guardian.

(3) *Women.* (i) If enlisted and under 18 years of age she will be discharged.

(ii) If enlisted without proper consent and has passed her 18th birthday but not her 21st birthday, when verified, discharge upon application of parent or legal guardian provided that such application has been received by the Department of the Navy within 90 days after the enlistment.

(e) The statutory and administrative minimum ages for enlistment are as follows:

	Statutory	Administrative
Regular Marine Corps:		
Men	14	17
Women	18	18
Marine Corps Reserve:		
Men	17	17
Women	18	18

The discharge of any enlisted person who is determined to be under the statutory minimum age is mandatory, and request of parent or guardian is not required. However, the enlistment contract of a woman may be considered binding if information of her true age is not received prior to her 18th birthday.

(f) In any case where it becomes apparent or it is alleged that there is a discrepancy of age or name in the enlistment contract, or when the validity of custodian's consent is questioned, prompt action shall be taken to ascertain the true facts, and whether or not such facts provide a basis for discharge, local records will be corrected and a complete report made to the Commandant of the Marine Corps (Code DMB).

(1) The evidence described below will be acceptable for establishing proof of age and for correction of records.

(i) A certified copy of birth certificate showing date of birth and date birth was recorded. (To be acceptable, must be recorded previous to enlistment.)

(ii) A certified copy of baptismal certificate, or other church record, showing age or date of birth.

(iii) An extract from school census record (certified).

(iv) A hospital record of birth (certified).

(v) A census enumeration extract (certified).

(2) Any difference in the name contained in the evidence and the name under which the individual enlisted must be clarified by public record or affidavits of two disinterested persons testifying from their own knowledge as to the identity of the person concerned.

(g) The Commandant of the Marine Corps requires that written consent be obtained from the custodial parent or legal guardian in cases of all male minors under 18 years of age, and all women under 21 years of age.

(h) The enlistment of a minor with false representation as to age, or without consent, will not alone be considered a fraudulent enlistment; see § 730.38.

(i) The commanding officer effecting a minority discharge shall notify the next of kin, giving the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the person concerned as derogatory to the individual or to reflect adversely on his character.

§ 730.36 Discharge for reason of unsuitability.

(a) The Commandant of the Marine Corps, and Marine general officers in command, may authorize or direct discharge by reason of unsuitability, except that all cases involving sexual perversion or homosexual tendencies will be referred to the Commandant of the Marine Corps (Code DK) for decision. Such discharge will be effected when it has been determined that an individual is unsuitable for further military service because of:

(1) Inaptitude. Applicable to those persons who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) Enuresis.

(3) Character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949," (SR 40–1025–2; NavMed P–1303; AFR 160–13A) and revisions thereof.

(4) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(5) Apathy, defective attitudes and inability to expend effort constructively: As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(6) Alcoholism: Chronic, or addiction to alcohol.

(7) Homosexual tendencies.

(b) In cases where a commanding officer considers an enlisted person unsuitable for further military service, he will refer the case to the appropriate commanding general, or the Commandant of the Marine Corps (Code DMB) for decision. Prior to recommending the discharge of an enlisted person for unsuitability, the commanding officer will investigate or cause the case to be investigated. The person concerned shall be informed of the contemplated action and the reason therefor, and after Article 31, Uniform Code of Military Justice (10 U.S.C. 831) is read and explained to him, he shall be given an opportunity to make a statement in his own behalf. If doubt exists as to the existence of a physical disability as the cause of unsuitability, the enlisted person shall be brought before an appropriate medical board for a determination of fact. In every case of discharge for reason of unsuitability recommended by a commanding officer, a complete report giving all the circumstances of the case, together with a signed statement from the person concerned or a certification that he does not desire to make a statement, shall be forwarded.

(c) A recommendation for discharge by reason of unsuitability should be submitted in appropriate cases notwithstanding any pending disciplinary action or status as the result of disciplinary action.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record showing this fact and the reason therefor. If the recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) When final action is taken on a recommendation for discharge by reason of unsuitability, all papers shall be forwarded to the Commandant of the Marine Corps (Code DGH) for file in the individual's official record.

§ 730.37 Discharge for reason of unfitness.

(a) The Commandant of the Marine Corps and all Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in the service of enlisted or inducted persons recommended for discharge by reason of unfitness, except that cases involving sexual perversion will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(b) The commanding officer or officer in charge will recommend an individual for discharge for reason of unfitness when it is determined that his military record is characterized by one or more of the following:

(1) Sexual perversion including but not limited to:

(i) Lewd and lascivious acts.

(ii) Homosexual acts.

(iii) Sodomy.

(iv) Indecent exposure.

(v) Indecent acts with or assault upon a child.

(vi) Other indecent acts or offenses.

(2) Frequent involvement of a discreditable nature with civil or military authorities.

(3) An established pattern for shirking.

(4) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) For other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(c) Before recommending a discharge for unfitness, the commanding officer shall investigate or cause each case to be investigated. The circumstances, facts, and offenses shall be substantiated by service record entries and/or other per-

tinent information and copies thereof shall be enclosed with the recommendation. All recommendations indicating the existence of a physical disability will be supported by a report of a medical board, or a psychiatric report in cases of character and behavior disorders or other mental infirmities, if practicable. The individual recommended for such discharge will, if his whereabouts is known, be properly advised of the basis for the contemplated action and afforded an opportunity to request or waive, in writing, each of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board, subject to his availability, e.g., not in civil confinement.

(3) To be represented by counsel, who, if reasonably available, should be a lawyer. Military counsel of his choice will be provided if reasonably available, otherwise, military counsel deemed reasonably available will be appointed. He may retain civilian counsel at no expense to the Government.

(4) To submit statements in his own behalf. Prior to receiving any statement, the provisions of Article 31, Uniform Code of Military Justice (10 U.S.C. 831), shall be read and explained to the individual.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record book showing this fact and the reason therefor. If recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) A board consisting of not less than three officers shall be convened by each general officer exercising general court-martial jurisdiction for the purpose of considering recommendations for undesirable discharge in all cases where the individual concerned has not waived in writing the right to have his case heard by a board of officers, and to make recommendations to the convening authority as to the final disposition in each case.

(1) The membership of the board shall include at least one woman officer when a case of an enlisted woman is under consideration.

(2) If the individual under consideration is a member of the reserve component, the membership of the board shall include:

(i) a majority of reserve officers if available locally;

(ii) if a majority of reserve officers is not available locally, at least one reserve officer.

(3) If the requirement set forth in subparagraph (2) (i) of this paragraph cannot be met, the record shall include a certificate of the convening authority to that effect. If any other requirement cannot be met from officer personnel available locally, instructions will be requested from the Commandant of the Marine Corps (Code DK).

(f) The recommendation for discharge, and the report of the board in each case considered by a board, will be submitted to the convening authority for approval or disapproval. Based on the convening authority's decision, the following will apply:

(1) Should the recommendation of the board be approved, the convening authority may immediately direct discharge or retention of the individual concerned.

(2) Should the board of officers recommend discharge and the convening authority disapprove such recommendation, he may direct retention of the individual concerned.

(3) Should the board of officers recommend retention and the convening authority not approve the recommendation, the entire proceedings will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(4) Should the commanding officer, board of officers, or convening authority recommend an administrative discharge other than an undesirable discharge, in accordance with § 730.25, the case will be referred to the Commandant of the Marine Corps (Code DMB) for decision. Any other case in which the convening authority regards an undesirable discharge as warranted while the board of officers recommended an honorable or general discharge will be referred to the Commandant of the Marine Corps (Code DMB) for decision.

(5) In cases where the individual concerned has waived the right to have his case heard by a board of officers, the general officer exercising general court-martial jurisdiction may direct discharge or retention of the individual.

(6) In any case where the convening authority considers that there is a question as to proper disposition, the matter will be referred to the Commandant of the Marine Corps (Code DK) for instructions.

(7) When final action is taken on any report or recommendation, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review.

(g) Commanding officers and officers in charge not under the command of a Marine general officer exercising general court-martial jurisdiction will comply with the procedures as set forth in paragraphs (c), (d), and (e) of this section. Such officers will convene a board of officers and refer recommendations for discharge to the board in cases where the individual concerned does not waive in writing his right to have his case heard by a board of officers. The recommendation of the commanding officer or officer in charge, and the report of the board in each case considered by a board, with the convening authority's recommendation thereon, will be forwarded to the Commandant of the Marine Corps (Code DK) for final action.

(h) Personnel serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the United States by the general officer who directs or recommends the discharge. Authority for discharge will be included in the orders transferring the individual to the United States.

(i) Commanding officers of activities outside the continental United States, not under the command of a Marine general officer authorized to direct discharge, will transfer to the nearest Marine Corps activity in the United States those individuals who have been recommended for discharge by a board convened under the provisions of paragraph (e) of this section, or who have been recommended for discharge by their commanding officer and have waived, in writing, the right to have their case heard by a board of officers. Commanding officers in their endorsement of the proceedings of the board or their recommendation for discharge will indicate the activity in the United States to which the individual is being transferred.

§ 730.38 Discharge for reason of misconduct.

(a) General instructions relating to discharge by reason of misconduct are as follows:

(1) The Commandant of the Marine Corps and Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in service of enlisted or inducted personnel recommended for discharge by reason of misconduct.

(2) When an individual is to be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the enlistment. (This action should be taken by the commanding general making the final determination or by the Commandant of the Marine Corps in cases where the Commandant of the Marine Corps makes final determination as to retention in the service.)

(b) The commanding officer or officer in charge shall make a report of suspected or apparent misconduct of enlisted or inducted persons for any of the following reasons and shall include in the report a recommendation for discharge or retention in the service of the person concerned:

(1) Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established by official records, but punitive discharge has not been authorized by competent authority.

(2) Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. This includes, but is not limited to the following:

(i) A police record, or conviction by civil court.

(ii) A record as a juvenile delinquent, wayward minor, or youthful offender.

(iii) Previous service in any branch of the Armed Forces.

(iv) Physical defects.

(v) Marriage or dependents.

(vi) Preservice homosexual act(s) or tendencies.

(3) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves

moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(c) The enlistment of a minor with false representation as to age will not alone be considered a fraudulent enlistment; see § 730.35.

(d) In forwarding cases of apparent fraudulent enlistment or induction, commanding officers or officers in charge shall include documentary evidence with regard to the alleged fraud.

(e) In cases of conviction by civil authorities or by consular court subsequent to enlistment, a copy of the court order or order of commitment, or the certificate of the Judge or the Clerk of the Court, advising as to the charge on which convicted, and the sentence adjudged, will be enclosed with the report and recommendation. After verification, the commanding officer will include in his recommendation the maximum sentence provided for the offense.

(f) The instructions and procedures set forth in paragraphs (c) through (i) of § 730.37 shall govern in disposing of cases of individuals considered for discharge by reason of misconduct.

§ 730.39 Discharge for reason of security.

The Commandant of the Marine Corps or the Secretary of the Navy may direct discharge for reasons of security with the character of discharge and under conditions stipulated in directives that deal explicitly with this matter when retention is not clearly consistent with the interest of national security. (See Part 729 of this chapter.)

§ 730.40 Discharge when directed by the Secretary of the Navy.

The Secretary of the Navy may authorize or direct discharges in individual cases.

Dated: September 10, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral U. S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-7687; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

[Amdt. 2]

Number of Employees

The Small Business Size Standards Regulation (Revision 1) as amended (24 F.R. 3491, 5628) is hereby further amended as follows:

In § 121.3-9(b)(1), subdivision (iv) is amended by changing "100" to read "250."

As so amended, § 121.3-9(b)(1)(iv) reads as follows:

(iv) Together with its affiliates employs no more than 250 persons.

Effective date. This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 72 Stat. 385; 15 U.S.C. 634)

Approved: September 10, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7690; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

PROPERTY MANAGEMENT COMMITTEE

In § 200.88 paragraph (b)(1) is amended to read as follows:

§ 200.88 Property Management Committee.

* * * * *

(b) *Functions.* * * *

(1) To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property or mortgage acquired by the Commissioner in connection with multifamily housing mortgage insurance and yield insurance operations, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and offers to purchase a group of five or more properties acquired by the Commissioner in connection with home mortgage insurance operations, and to establish general policies with respect thereto. The minutes of the Committee reflecting its determinations shall constitute the basis of acceptance or rejection of such offers and the execution of all documents and instruments relating and incident thereto by the Director or Deputy Director of the Property Management Division with respect to such properties and by the Director or Deputy Director of the Mortgage Insurance Division with respect to such mortgages.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., September 10, 1959.

C. B. SWEET,
Acting
Federal Housing Commissioner.

[F.R. Doc. 59-7698; Filed, Sept. 15, 1959; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Aircraft

On page 4519 of the FEDERAL REGISTER of June 3, 1958, (24 F.R. 4519) there was published a notice of proposed rule making to amend subparagraphs (1), (2), and (3) of paragraph (a) of § 1.61, entitled *Aircraft,* of the general rules and regulations of the National Park Service. Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed regulations.

No comments or objections were submitted within the 30 day period. Consequently, the proposed amendment is hereby adopted as published except that subparagraph (3) is further amended to permit the landing of helicopters in connection with prospecting and mining activities. Since the latter is a liberalization of the regulation the notice of rule making procedure was not considered necessary. This amendment shall become effective upon its publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 9, 1959.

Subparagraphs (1), (2) and (3) of paragraph (a) of § 1.61 are amended to read as follows:

§ 1.61 Aircraft.

(a) * * *

(1) *Mount McKinley National Park, Alaska.* McKinley Park Station Airport,

located in Sections 3 and 4, Township 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) *Death Valley National Monument, California.* Death Valley Airport, located in W½ Section 16 and NW¼ Section 21, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(3) *Glacier Bay National Monument, Alaska.* The entire water area of the monument, except Adams Inlet and any of the lakes within the monument; provided, however, landings and takeoffs shall not be made on beaches or tidal flats or within one nautical mile of any tidewater glacier in the monument. If authorized by the Superintendent, helicopters may land at selected sites where deemed essential in the conduct of prospecting and mining activities.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C., 1952 ed., sec. 3)

[F.R. Doc. 59-7686; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1975]

[Oregon 06495]

OREGON

Correcting Public Land Order No. 1929 (Coquille River Light Station)

Paragraph 1 of Public Land Order No. 1929 of July 29, 1959, appearing in the FEDERAL REGISTER of August 4, 1959, at page 6243, is hereby corrected to describe the Executive order revoked thereby as the order of December 30, 1895, rather than the Executive order of October 30, 1895.

Paragraph 3 of Public Land Order No. 1929 is corrected to the extent necessary to designate March 3, 1960, as the date when the lands shall be open to applications and offers under the mineral-leasing laws and to location under the mining laws, instead of December 3, 1959.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1959.

[F.R. Doc. 59-7682; Filed, Sept. 15, 1959; 8:46 a.m.]

[Public Land Order 1976]

[82870]

IDAHO

Interforest Transfers, St. Joe and Clearwater National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U.S.C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Department of Agriculture, it is ordered as follows:

1. The following-described lands within the exterior boundaries of the Clearwater National Forest are hereby transferred to the St. Joe National Forest, effective July 1, 1959.

BOISE MERIDIAN

T. 41 N., R. 6 E.
Secs. 4, 5, 6 and 7, those lands included in the following-described area:
Beginning at the northwest corner of the township, thence east along the north line of said township to its inter-section with the middle of the main channel of the Little North Fork Clearwater River, thence southwesterly downstream along the middle of the main channel of the Little North Fork Clearwater River to its inter-section with the west line of said township, thence north along the west line of said township to the place of beginning.

The area described contains approximately 1,260 acres.

2. The following-described lands within the exterior boundaries of the St. Joe National Forest are hereby transferred to the Clearwater National Forest, effective July 1, 1959:

BOISE MERIDIAN

T. 41 N., R. 5 E.
Secs. 27, 32, 33 and 34, those parts now within the St. Joe National Forest that are south of the North Fork Clearwater River;
Sec. 36.
T. 42 N., R. 6 E., Tps. 41 and 42 N., R. 7 E.
Those lands in secs. 25, 26, 27, 33, 34, 35 and 36, T. 42 N., R. 6 E; in sec. 6, T. 41 N., R. 7 E., and in secs. 30 and 31, T. 42 N., R. 7 E., included in the following described area:
Beginning at the northeast corner of T. 41 N., R. 6 E., B.M., thence south along the east line of said township to its intersection with the hydrographic divide between the Bear Creek on the north and the Isabella Creek drainage on the south, thence northeasterly following along the crest of said hydrographic divide between the Bear Creek and Isabella Creek drainages to Larkins Peak, thence westerly along the hydrographic divide between the Bear Creek and Devils Club Creek Drainages to the middle of the channel of the Little North Fork Clearwater River, thence southwesterly downstream along the middle of the channel of the Little North Fork Clearwater River to an intersection with the north line of T. 41 N., R. 6 E., B.M., thence east along the north line of said township to the place of beginning.

The areas described contain approximately 3,698 acres.

3. The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order.

4. This order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

ROSS LEFFLER,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7683; Filed, Sept. 15, 1959; 8:46 a.m.]

[Public Land Order 1977]

[Fairbanks 011951]

ALASKA

Partially Revoking Bureau of Land Management Order of October 4, 1957, Which Withdrew Lands at Tanana for School and Hospital Purposes

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The Bureau of Land Management order of October 4, 1957, which reserved lands in Alaska under the jurisdiction of the Bureau of Indian Affairs for school and hospital purposes, is hereby revoked so far as it affects the following-described lands:

(A) Beginning at meander corner No. 1 of U.S. Survey 2754 A-B, thence
N. 0°05' E., 875.40 feet;
S. 89°19' W., 100.00 feet;
S. 0°05' W., 861.40 feet to shore of Yukon River;
S. 82°29' E., 100.87 feet to point of beginning, containing 1.99 acres.
(B) U.S. Survey 2754 A-B, Block 7, lot 11, containing 0.1 acre.

2. The lands described in paragraph 1(B) of this order, together with what may be described as the (approximately) southerly 291.40 feet of the tract described in paragraph 1(A), were conveyed to the then Territory of Alaska by quitclaim deed dated October 28, 1958, under the provisions of the Act of August 23, 1950 (64 Stat. 470).

3. Beginning at 10:00 a.m. on October 16, 1959, the remaining public lands described in paragraph 1 of this order shall be open to application, petition, location, and selection under applicable nonmineral public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preferred right of selection granted to the State of Alaska by section 202(b) of the Act of July 28, 1956 (70 Stat. 709, 711; 48 U.S.C. 46-3(b)), in furtherance of its mental health program; section 6(g) of the Alaska Statehood Act of July 7, 1958 (Public Law 85-508; 72 Stat. 341), and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference under the Act of September 27, 1944 (48 Stat. 747; 43 U.S.C. 279-284), as amended.

4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on January 15, 1960. Mining locations made prior to that time shall be invalid.

5. The order of October 4, 1957, is hereby amended to the extent necessary to describe the Tanana Hospital Site as follows:

TANANA HOSPITAL SITE

Beginning at the southeast corner of Air Navigation Site Withdrawal No. 161, dated July 2, 1941, on the right bank of the Yukon River, thence
N. 0°41' W., 750 feet along east boundary of A.N.S. 161,

N. 39°19' E., 950 feet,
S. 0°05' W., 882 feet to a point on the right bank of the Yukon River,
Westerly, 975 feet along said right bank to point of beginning.

The tract described contains 17.31 acres.

6. The Tanana Hospital Site was transferred to the Public Health Service, Department of Health, Education, and Welfare, from the Bureau of Indian Affairs, by the act of August 5, 1954 (68 Stat. 674).

7. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROSS LEFFLER,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7684; Filed, Sept. 15, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Short Sales

NOTICE OF HEARING

Proposed amendments to the regulations under section 1233 of the Internal Revenue Code of 1954, relating to capital gains and losses in case of short sales made by dealers in securities, were published in the FEDERAL REGISTER for Wednesday, August 12, 1959.

A public hearing on the proposed regulations wil be held on Thursday, October 1, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C. by September 28, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 59-7736; Filed, Sept. 15, 1959; 8:49 a.m.]

[26 CFR (1954) Part 48]

MANUFACTURERS EXCISE TAX ON REFRIGERATION EQUIPMENT, ELECTRIC, GAS AND OIL APPLIANCES, AND ELECTRIC LIGHT BULBS

Notice of Hearing

Proposed regulations under sections 4111, 4121, and 4131 of the Internal Revenue Code of 1954, relating to refrigeration equipment, electric, gas and oil appliances, and electric light bulbs were published in the FEDERAL REGISTER for Tuesday, August 25, 1959.

A public hearing on the proposed regulations will be held on Tuesday, September 29, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by September 25, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 59-7737; Filed, Sept. 15, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

Bureau of Land Management

[43 CFR Part 201]

OUTER CONTINENTAL SHELF

Extension of Leases by Drilling or Well Reworking Operations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), it is proposed to add new sections to 30 CFR Part 250, and 43 CFR Part 201, to read as set forth below. The purpose of the additions is to interpret and apply section 8(b) (2) of the Act by providing uniform rules for acceptance or approval of drilling or well reworking operations for maintenance of oil and gas leases issued pursuant to section 8(a) of the Act.

The proposed additions relate to matters which are exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule-making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed additions to either the Director, United States Geological Survey, or Director, Bureau of Land Management, Washington 25, D.C., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Dated: September 9, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

1. Section 250.34a, a new section, is added to 30 CFR Part 250, to read as follows:

§ 250.34a Extension of leases by drilling or well reworking.

(a) The Secretary shall be deemed to have approved, within the meaning of section 8(b) (2) of the Outer Continental Shelf Lands Act, drilling or well reworking operations, conducted on the leased area in the following instances:

(1) If, after discovery of oil or gas in paying quantities has been made on the leasehold, and within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter the production thereof shall cease at any time, or from time to time, from any cause and production is restored or drilling or well reworking operations are commenced within 90 days thereafter, and such drilling or well reworking operations (whether on the same or different wells) are prosecuted diligently until production is restored in paying quantities.

(2) If, within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, at any time, or from time to time, lessee is engaged in drilling or well reworking operations on the leasehold and there is no well on the leasehold capable of producing in paying quantities and the lessee diligently prosecutes such operations (whether on the same or different wells) with no cessation of more than 90 days.

(b) The Secretary may approve such other operations for drilling or reworking upon application of lessee.

(c) Nothing herein obviates the necessity of obtaining the Supervisor's approval of a plan or notice of intention to drill or of complying with the other provisions of this part.

2. Section 201.20a, a new section, is added to 43 CFR Part 201, to read as follows:

§ 201.20a Extension of leases by drilling or well reworking operations.

(a) The Secretary shall be deemed to have approved, within the meaning of section 8(b) (2) of the Outer Continental Shelf Lands Act, drilling or well reworking operations, conducted on the leased area in the following instances:

(1) If, after discovery of oil or gas in paying quantities has been made on the leasehold, and within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter the production thereof shall cease at any time, or from time to time, from any cause and production is restored or drilling or well reworking operations are commenced within 90 days thereafter, and such drilling or well reworking operations (whether on the same or different wells) are prosecuted diligently until production is restored in paying quantities.

(2) If, within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, at any time, or from time to time, lessee is engaged in drilling or well reworking operations on the leasehold and there is no well on the leasehold capable of producing in pay-

ing quantities and the lessee diligently prosecutes such operations (whether on the same or different wells) with no cessation of more than 90 days.

(b) The Secretary may approve such other operations for drilling or reworking upon application of lessee.

(c) Nothing herein obviates the necessity of obtaining the Oil and Gas Supervisor's approval of a plan or notice of intention to drill or of complying with the other provisions of 30 CFR Part 250.

[F.R. Doc. 59-7681; Filed, Sept. 15, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Notice of Proposed Suspension of Certain Provisions

Notice is hereby given that there is being considered a proposed suspension, until December 2, 1959, of the phrase, "ending not later than November 15 of the particular crop year", appearing at the end of the first sentence of § 989.66 (c) of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Also, there is being considered a proposed suspension of the same time limitation appearing in the parenthetical phrase "(not beyond November 15 of the crop year)" of the last sentence of § 989.166 (e) (2) of the implementing rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 989.101-989.180; 24 F.R. 1981). Such proposal was recommended by the Raisin Administrative Committee, established under the order.

In connection with volume regulation, the first sentence of § 989.66(c) imposes an obligation on handlers to set aside and hold for the account of the committee reserve and surplus tonnage raisins referable to their acquisitions of standard raisins. However, said sentence also provides that the committee shall defer, under prescribed conditions, the meeting by a handler of such obligation for a specified period ending not later than November 15 of the particular crop year. The last sentence of § 989.166(e) (2) of the implementing rules and regulations contains the same time limitation of November 15 for the ending of such deferment.

It is contemplated that this proposed suspension action will be taken only if volume regulation is made effective for the 1959-60 crop year, and, in such event, on the basis that the aforesaid time limitation of November 15 will not, for such crop year, tend to effectuate the declared policy of the said act. With the relatively small remaining supply of 1958 crop raisins held by handlers and in trade channels, handlers are not likely to be able to acquire enough raisins by November 15, 1959, to meet the anticipated strong, early-season demand for raisins in free tonnage outlets and, at the same time, satisfy their obligations for setting aside and holding pool tonnage in the requisite quantities. Thus, unless the suspension action is taken, satisfaction of the early-season demand for free tonnage raisins is likely to be obstructed.

Consideration will be given to data, views, or arguments pertaining to this proposed action which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the fifth day after publication of this notice in the FEDERAL REGISTER.

Dated: September 11, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-7704; Filed, Sept. 15, 1959; 8:49 a.m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

Notice of Intention To Amend the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops

I. Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), regulations are being prepared to amend various sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677). A synopsis of the more significant of the contemplated changes follows:

A. 1. The erroneous notice provisions contained in § 729.1011(h) would be amended to include cases in which the operator who receives the erroneous allotment notice picks or threshes peanuts in excess of the allotment shown in the erroneous notice;

2. Section 729.1011(k) (5) would be revised to specify that the disposition of picked or threshed peanuts to adjust the final acreage for a farm must be made on the farm on which produced and in the presence of a representative of the county committee, except that removal from the farm for the purpose of crushing would be permitted if a representative of the county committee is present when the peanuts are actually crushed;

3. Section 729.1011(l) would be revised to conform to the provisions of the Act of August 15, 1959 (P.L. 86-172) which provides, subject to conditions contained therein, for the preservation of peanut history acreages;

4. A § 729.1011(gg) would be added to furnish a definition of "representative of the State committee";

B. For § 729.1016(b) (3) there would be substituted language to provide a method for determining an adjusted acreage for a farm on which in the preceding year the farm peanut history acreage was less than 75 percent of the farm allotment;

C. Section 729.1021 which provides for allotments for "new farms" would be revised to specify that:

1. The producer who furnishes the experience in growing peanuts must live on the farm for which the allotment is requested, unless he is the farm owner and operator,

2. An allotment for the farm must not have been permanently released in the current year,

3. The national reserve for new farms shall be one-eighth percent rather than one-sixth percent of the national allotment as experience in recent years has shown that one-eighth percent will be adequate to provide equitable allotments for eligible new farms,

4. A new farm allotment shall be void as of the date issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

D. Section 729.1023 would be amended to clarify the conditions under which a farm allotment will be reduced for a violation of marketing quota regulations for a prior year;

E. Section 729.1024 would be revised to provide (a) for February 1 of the current year being the earliest closing date which the State committee may establish for the release of peanut allotment acreage and for the filing of written applications by farmers for a reapportionment of released acreage, and (b) to grant the State authority the right to dispense with the use of such applications;

F. I. Section 729.1064 would be deleted. This section now provides for redelegations of authority by the State committee to other persons. Other sections of the regulations will be rewritten to specify definitely who will perform the various program functions (i.e. "State committee," "State administrative officer," or "representatives of the State committee").

II. Affected sections, as amended in accordance with present intentions, would read as follows.

A. Section 729.1011 *Definitions,* is amended as follows:

§ 729.1011 Definitions.

* * * * *

(h) "Excess acreage" means the acreage by which the final acreage exceeds the effective farm allotment except when the farm operator is officially notified in writing of an allotment greater than the final effective allotment for the farm, the excess acreage shall be the amount by which the final acreage exceeds the acreage shown in the erroneous notice provided each of the following conditions is met:

(1) The operator was officially notified in writing of an allotment greater

than the finally approved effective farm allotment because of an error made in the State or county office;

(2) The county committee finds (i) the extent of error in the erroneous notice was such that the operator would not reasonably be expected to question the allotment of which he was erroneously notified, and (ii) that the operator, acting soley because of the information contained in the erroneous notice, picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment;

(3) The State administrative officer concurs in the county committee's findings.

If the farm operator receives a corrected notice of allotment after peanuts have been planted on the farm but before such peanuts are picked or threshed, the provisions of this paragraph shall not apply unless the county committee and the State administrative officer determine that the acreage planted for picking or threshing was in excess of the effective farm allotment only because the operator was given the erroneous notice of allotment.

* * * * *

(k) * * *

(5) If the final acreage on a farm, as determined under the foregoing provisions of this subsection, is in excess of the effective farm allotment, the final acreage may be adjusted to equal the effective farm allotment provided:

(i) The farm operator notifies the county office manager of his intention to dispose of picked or threshed peanuts to adjust the final acreage and arranges with the county office manager for a representative of the county committee to witness the disposition of such peanuts;

(ii) Disposition of a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the effective farm allotment is made in the presence of a representative of the county committee before such peanuts are removed from the farm, except for crushing in the presence of such a representative, on which produced;

(iii) The disposition is by feeding the peanuts to livestock, grinding or crushing them for later use as livestock feed, or otherwise disposing of them in such a manner that they cannot thereafter be used or marketed as peanuts; and

(iv) If the acreage in excess of the effective farm allotment is not more than the larger of one-tenth acre or three percent of such allotment, the disposition is approved by the county committee; or, if the acreage in excess of the effective farm allotment is greater than the larger of one-tenth acre or three percent of such allotment, the disposition is approved by the county committee and by a representative of the State committee.

(l) Farm peanut history acreage for each year beginning with 1957 shall be an acreage equal to the farm allotment; *Provided,* That beginning with the 1960 crop, except for federally owned land, the current farm allotment shall not be preserved as history acreage under provisions of this sentence unless for the current year, or either of the two preceding years, an acreage equal to 75 percent or more of the farm acreage allotment for such year was actually planted to peanuts on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains Program). For 1960 and each subsequent year in which farm peanut history acreage is not preserved under the provisions of the preceding sentence the farm peanut history acreage shall be the sum of (1) the final acreage (adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments), (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, (3) the acreage temporarily released to the county committee under provisions of § 729.1024, and (4) the amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023. The farm peanut history acreage for any year shall not exceed the farm peanut allotment for the farm for such year.

* * * * *

(gg) "Representative of the State commmittee" means a member of the State committee or any employee of the State committee.

B. Section 729.1016 *Determination of adjusted acreage,* is amended as follows:

§ 729.1016 Determination of adjusted acreage.

* * * * *

(b) * * *

(3) For each farm the county committee shall compare the preceding year farm peanut history acreage with the farm allotment established for such year, and, if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be considered the adjusted acreage for the farm for the purpose of determining the farm allotment for the current year.

(4) * * *

(5) An acreage not in excess of 10 percent of the preceding year State peanut acreage allotment shall be made available to the county committee by the State committee for making upward adjustments. The county committee shall examine the preceding year farm allotment for each farm after adjustment, if any, has been made under subparagraph (3) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however,* That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut history acreages for the base period, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

* * * * *

C. Section 729.1020 *Normal yields,* is amended as follows:

§ 729.1020 Normal yields.

* * * * *

(b) Farm. The normal yield for a farm shall be determined by the county committee and shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, and the yield for the farm in years for which data are available. Farm normal yields determined under provisions of this section shall be approved by a representative of the State committee.

D. Section 729.1021 *Allotments for new farms,* is amended as follows:

§ 729.1021 Allotments for new farms.

(a) The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however,* That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the

production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors: *And provided further*, That the allotment determined under this section shall be reduced to the planted acreage when it is determined that such acreage is less than the allotment.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee on or before February 15 of the calendar year for which application for an allotment is being filed;

(2) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry in the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge. In making a determination of any producer's experience in growing peanuts no credit shall be given for the producer's interest, in 1959 or a subsequent year, in peanuts grown on a farm for which no farm allotment is established for such year. If the producer furnishing the required experience is a person other than the farm owner and operator he shall live on the farm for which the new farm allotment is requested;

(3) The farm operator is largely dependent on the farm for his livelihood;

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year; and

(5) A peanut allotment for the current year for the farm was not permanently released pursuant to provisions of § 729.1024.

(c) Beginning with the 1960 crop year, one-eighth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms, exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments so determined does not exceed the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), no adjustment will be made in the recommended new farm allotments and there shall be made available to each such State an acreage equal to the total of the new farm allotments so determined;

(2) For any State for which the total of the new farm allotments so determined exceeds the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), there shall be made available for new farm allotments in each such State an acreage equal to the State's said proportionate share of the national new farm reserve;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments that is in excess of the acreage made available under subparagraph (2) of this paragraph. The new farm allotments established from acreage apportioned under subparagraphs (2) and (3) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage available; and

(4) If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in § 729.1021(a), for other new farms if each of the following conditions has been met;

(i) an application for an allotment is filed by the farm operator and farm owner with the county committee on or before March 1 of the calendar year for which application for an allotment is being filed,

(ii) the farm operator is largely dependent on the farm for his livelihood, and

(iii) the farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year.

(d) Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

(e) Any farm allotment established under provisions of this section shall be void as of the date issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

E. Section 729.1022, *Normal yields for new farms*, is amended as follows:

§ 729.1022 Normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines on the basis of the factors set forth in § 729.1020(b). Normal yields for new farms shall be approved by a representative of the State committee.

F. Section 729.1023, *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year*, is amended as follows:

§ 729.1023 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all peanuts from the farm are accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) If complete and accurate proof of the disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed by these regulations, the acreage allotment next established for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season,

as determined by the State committee, for the county in which the farm is located. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the smaller of the effective farm allotment or the final acreage shall be considered the farm marketing quota for the purposes of this section. In determining, for farms on which the final acreage exceeds the effective farm allotment, the amount of peanuts for which satisfactory proof of disposition is not shown, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown. For farms on which the final acreage does not exceed the effective farm allotment, the amount of peanuts involved in the violation shall be the quantity of peanuts reported by the farm operator as produced on the farm less the actual production on the farm as determined by the county committee.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(g) Any reduction in the allotment for a farm made under this section shall not operate to reduce the allotment for such farm for any subsequent year.

G. Section 729.1024, *Release and reapportionment*, is amended as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee by a closing date established by the State committee, which shall not be earlier than February 1 or later than July 1 of the current year, shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year.

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that, any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm. Applications shall be filed by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall not be earlier than February 1 or later than July 15 of the current year; provided the State committee may specify that applications are unnecessary.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for the current year only.* The release for the current year only of any part of the acreage allotted to individual farms pursuant to paragraph (a) of this section shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm because of reapportionment under paragraph (b) of this section shall not operate to increase the allotment for any subsequent year for the farm.

H. Section 729.1043, *Issuance of marketing cards*, is amended as follows:

§ 729.1043 Issuance of marketing cards.

* * * * *

(c) Upon return to the ASC county office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. Upon application by a producer a new marketing card of the same kind shall also be issued to replace a card which has been lost, mutilated, destroyed or stolen.

I. Section 729.1046, *Invalid marketing cards*, is amended as follows:

§ 729.1046 Invalid marketing cards.

* * * * *

(c) If a marketing card is invalid because an entry is not made as required, it shall be returned to the county office. The card then may be made valid by entering data previously omitted or by correcting, if initialed by the county office manager, any incorrect data previously entered (except incorrect entry of converted penalty rate). If an invalid card is not so made valid it shall be cancelled and a new card shall be issued in its place if there is further need for a marketing card.

Prior to the taking of this action, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. To be considered any such submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7709; Filed, Sept. 15, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Air Traffic Management

[14 CFR Part 600]

[Airspace Docket No. 59-WA-23]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6141 of the reg-

ulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 141 presently extends from Nantucket, Mass., to Massena, N.Y. The Federal Aviation Agency has under consideration the modification of the Nantucket, Mass., to Boston, Mass., segment of Victor 141 via a VOR proposed to be installed in the vicinity of Hyannis, Mass., at Lat. 41°42'43", Long. 70°13'07", to be commissioned in November 1959. This modification will provide more precise navigational guidance on this airway segment. If such action is taken, VOR Federal airway No. 141 segment from Nantucket, Mass., to Boston, Mass., would be designated from Nantucket, Mass., via a new VOR at Hyannis, Mass., to Boston, Mass. The control areas associated with VOR Federal airway No. 141 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6141 (23 F.R. 10338, 24 F.R. 3872) as follows:

Section 600.6141 *VOR Federal airway No. 141 (Nantucket, Mass., to Massena, N.Y.)*, is amended as follows: Delete "From the Nantucket, Mass., VOR via the INT of the Nantucket VOR 339° and the Boston VOR 133° radials;" and substitute therefor "From the Nantucket, Mass., VOR via the Hyannis, Mass., VOR; point of INT of the Hyannis VOR 332° and the Boston VOR 133° radials;"

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7676; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-111]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Establishment of Domestic VOR Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6070 and 601.7001 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 40 presently extends from Cleveland, Ohio, to Pittsburgh, Pa. The Federal Aviation Agency has under consideration the modification of the Navarre, Ohio, to Pittsburgh, Pa., segment of Victor 40. This modification will provide an independent route for arrival aircraft from the west and northwest destined for the Pittsburgh terminal area. If such action is taken VOR Federal airway No. 40 segment from Navarre, Ohio, to Pittsburgh, Pa., would be designated via the East Liverpool, Ohio, intersection and the Imperial, Pa., VOR.

Concurrent with this action the East Liverpool, Ohio, intersection VOR Domestic reporting point (Intersection of Imperial VOR 295° with the Ellwood City, Pa., VOR 241° radials) will be established.

The control areas associated with VOR Federal airway No. 40 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6040 and 601.7001 (14 CFR, 1958 Supps. 600.6040, 601.7001) as follows:

1. Section 600.6040 *VOR Federal airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.)*, is amended as follows: Delete "point of intersection of the Navarre omnirange direct radial to the Wheeling, W. Va., omnirange station with the Imperial, Pa., omnirange direct radial to the Tiverton, Ohio, omnirange station;" and substitute therefor "point of INT of the Imperial VOR 295° with the Ellwood City, Pa., VOR 241° radials; Imperial, Pa., VOR;"

2. In § 601.7001 *Domestic VOR reporting points*, add:

East Liverpool INT: the INT of the Imperial, Pa., VOR 295° and the Ellwood City, Pa., VOR 241° radials.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7677; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-185]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6075 and 601.6075 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 75 presently extends from Petersburg, W. Va., to Cleveland, Ohio. The Federal Aviation Agency has under consideration the revocation of the segment of Victor 75 between the Morgantown, W. Va., VOR, and the Petersburg, W. Va., Intersection. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on the segment from Petersburg to Morgantown, as one and three, respectively. On the basis of this survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assign-

ment of airspace and that the revocation thereof would be in the public interest. If such action is taken, VOR Federal airway No. 75 and its associated control areas would then extend from Morgantown, W. Va., to Cleveland, Ohio.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York, International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6075 and 601.6075 (14 CFR, 1958 Supp., 600.6075, 601.6075) to read as follows:

§ 600.6075 VOR Federal airway No. 75 (Morgantown, W. Va., to Cleveland, Ohio).

From the Morgantown, W. Va., VOR via the Wheeling, W. Va., VOR; Navarre, Ohio, VOR; to the Cleveland, Ohio, VOR.

§ 601.6075 VOR Federal airway No. 75 control areas (Morgantown, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 75.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7678; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-NY-5]

CONTROL ZONES

Modification of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2104 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Huntington, W. Va., control zone. The present Huntington, W. Va., control zone consists of that airspace within a five-mile radius of the Huntington Airport, Chesapeake, Ohio, and the Tri-State Airport, Huntington, W. Va., with extensions to the north, based on the Huntington radio beacon ADF approach to Tri-State Airport, and to the west, based on the Huntington radio beacon ADF approach to the Huntington Airport. It is planned to establish procedures for ILS approach to Runway 11 Tri-State Airport and cancel the ADF approach to the Tri-State Airport from the north. To provide adequate protection for aircraft using the new ILS approach, it is proposed to add a control zone extension to the northwest along the ILS localizer northwest course. It is proposed to revoke the control zone extension to the north which will no longer be required when the north ADF approach procedure for Tri-State Airport is cancelled. If these actions are taken, the Huntington, W. Va., control zone would be designated within a five-mile radius of the Huntington Airport, within a five-mile radius of the Tri-State Airport, within two miles either side of a line bearing 253° extending from the Huntington radio beacon to a point ten miles west, and within two miles either side of the ILS localizer northwest course extending from the localizer to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2104 (14 CFR, 1958 Supp., 601.2104) to read as follows:

§ 601.2104 Huntington, W. Va., control zone.

Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° extending from the Huntington RBN to a point 10 miles west; and within 2 miles either side of the Tri-State Airport ILS localizer northwest course extending from the localizer to the ILS outer marker.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7675; Filed, Sept. 15, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13193; FCC 59-938]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Andalusia, Birmingham, Clanton, Demopolis, Dothan, Florence, Gadsden, Mumford, Opelika, Sylacauga, Tuscaloosa, Alabama); Docket No. 13193.

1. An interest has been indicated in the reservation of additional television channels for educational use in a number of communities in the State of Alabama. The Commission, therefore, on its own motion, has under consideration changes in § 3.606 of its rules and regulations so as to accomplish the assignment and reservation of television channels in eight such communities. It is proposed to amend the Table of Assignments for the State of Alabama contained in § 3.606 of the Commission's rules and regulations as follows:

City	Channel No.	
	Present	Proposed
Andalusia	*2-, 29	*2-, *29
Birmingham	6-, *10-, 13-, 42+, 48	[1] 6-, *10-, 13-, 42+, *48
Clanton	14	77
Demopolis	18	*18
Dothan	4, 19-	4, *19-
Florence	15	15, *21
Gadsden	21+, 37-	37-
Munford	*7-	*7-, *21-
Opelika	22-	*22-
Sylacauga	24-	75
Tuscaloosa	45, 51-	*14, 45, 51-

[1] Other proposals concerning Birmingham are outlined in Docket No. 12945.

2. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views

and relevant data to the Commission.

3. Authority for the adoption of the proposed amendments is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 9, 1959, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last day for reply to original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7713; Filed, Sept. 15, 1959; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13194; FCC 59-941]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Corpus Christi, Texas); amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bandera, Texas); Docket No. 13194.

1. Notice is hereby given of rule making in the first matter captioned above.

2. The Commission has before it for consideration:

(a) Petitions and a supplemental petition filed on June 29, 1956, September 24, 1956 and October 15, 1956, by Coastal Bend Television Company, then the licensee of Station KVDO-TV, Corpus Christi, Texas (Channel 22, not now operating), advancing various proposals described below for either removing from Corpus Christi one or both of the VHF channels now assigned for commercial use in that city, or adding a third VHF commercial channel in that city or nearby;

(b) That portion of a "Petition for Partial Reconsideration and Further Request for Institution of Rule Making" filed April 2, 1958, by KCOR, Inc., licensee of Station KCOR-TV, San Antonio, Texas (Channel 41), which seeks the assignment of Channel 2 to Bandera, Texas;[1]

(c) Oppositions filed by The Houston Post Company, licensee of Station KPRC-TV, Houston, Texas (Channel 2) to the proposal to assign Channel 2 at Bandera and to Coastal Bend's proposal to assign Channel 2 at Corpus Christi; opposition by Association of Maximum Service Telecasters, Inc. (MST) to the Bandera proposal; opposition by Houston Consolidated Television, Inc., licensee of KTRK-TV, Houston Channel 13, to Coastal Bend's alternative proposals to assign Channel 13 to Corpus Christi or nearby Kingsville; and reply by KCOR, Inc. to oppositions to its Bandera proposal.[2]

3. Proposals relating to Corpus Christi: Coastal Bend's petitions present the following alternative proposals for Corpus Christi, to which there are presently assigned two VHF channels for commercial use (Channels 6 and 10 with stations operating thereon), two UHF channels for commercial use (with Station KVDO-TV licensed but not operating on Channel 22, and no authorization or application for Channel 43), and UHF Channel 16 reserved for education (with no authorization or application therefor):

(a) Remove one or both of the VHF commercial channels, by either: (1) Changing the educational reservation from Channel 16 to either Channel 6 or Channel 10, with Channel 16 thus made available for commercial use; or

(2) Deleting Channel 6 or Channel 10, or both, from Corpus Christi, with reassignments thereof to other Texas communities (Uvalde, La Pryor, Carrizo Springs or Crystal City for Channel 6; Palacios, Port Lavaca, Matagordo, Bloomington or Placedo (Placid Junction) for Channel 10).

(b) Add a third VHF channel at Corpus Christi, by either:

(1) Assigning Channel 3 at Corpus Christi, by removing it from Nuevo Laredo, Mexico, replacing it there with Channel 13 now assigned to Laredo, Texas, and deleting Channel 13 at Laredo. Present assignments to Laredo include Channel 8, on which Station KGNS-TV is operating, Channel 13 (for which there is no authorization or application) and three UHF channels, one reserved for education, for which there are no authorizations or applications. Corpus Christi is about 125 miles from Laredo.

or

(2) Assigning either Channel 2 or Channel 13 at Corpus Christi, at a distance of no less than 190 miles from co-channel assignments at Houston. Corpus Christi is about 180 miles from Houston.

(c) Assign Channel 13 at Kingsville, Texas, a community about 35 miles southwest of Corpus Christi and 220 miles from Houston, on condition that Coastal Bend be authorized to operate a station on that channel as a satellite of KVDO-TV.

4. The Bandera proposal: Bandera, Texas, is a community of approximately 1,500 population some 40 miles northwest of San Antonio, to which no channels are presently assigned. KCOR, Inc. proposes, if Channel 2 is assigned there, to build a station which would serve San Antonio. San Antonio now has three VHF commercial channels assigned and stations operating thereon (Channels 4, 5, and 12), a VHF educational channel (Channel 9), and two UHF commercial channels (41, on which KCOR-TV operates, and 35, for which there is no authorization or application). Channel 2 is now assigned at Piedras Negras, Mexico, some 125 miles from Bandera, and at Houston, approximately 220 miles away.

5. Since Corpus Christi, Kingsville, and Bandera are all within 250 miles of the U.S.-Mexican boundary, any change in channel assignments in these communities requires the concurrence of the Mexican Government, under the U.S.-Mexican agreement of 1952 pertaining to television assignments along the border (TIAS 2366, as amended by TIAS 2654, effective June 25, 1952). Similarly, U.S. concurrence in changes in assignments at Nuevo Laredo and Piedras Negras is necessary before such changes can be effectuated. Assignments to these cities (all VHF) include Channels 3 and 11 at Nuevo Laredo and Channel 2 at Piedras Negras. Corpus Christi, Kingsville and Laredo are in Zone III of the United States, wherein under § 3.610(b) of our rules a 220-mile separation between co-channel assignments is required. San Antonio is also in Zone III, but Bandera is in Zone II, so that as far as domestic considerations are concerned a Channel 2 assignment at the latter place could be as close as 190 miles to co-channel assignments elsewhere, such as Houston, under our present rules.

6. In support of its original request looking toward complete or partial deintermixture of the Corpus Christi market by removal of one or both commercial VHF channels, Coastal Bend called attention to its difficult situation as a UHF station facing VHF competition, especially with two VHF channels assigned, and also urged that terrain conditions, set conversion, and the absence of VHF signals from outside sources make the market an appropriate one for substitution of UHF for VHF assignments. In its later petitions seeking the addition of a VHF channel in the market, Coastal Bend refers to the rapidly growing population of the area, which, it asserts, clearly indicates that the market can support three stations if effective competitive conditions are possible (but that as a UHF station it cannot compete effectively), and that therefore, unless the Commission moves to make the area all-UHF, a third VHF channel should be assigned. With respect to its first alternative proposal for an additional VHF assignment, Coastal Bend argues that in view of the rela-

[1] By Memorandum Opinion and Order released December 23, 1958 (FCC 58-1220) we denied the other portions of this petition, and deferred action on the request for rule-making looking toward the assignment of Channel 2 to Bandera.

[2] The Commission has also received telegrams from the Mayor and President of the Chamber of Commerce of Laredo, opposing the deletion of Channel 13 from that city.

tively small size of Laredo (population 52,000) it does not appear that the Laredo area can support two United States stations, that therefore Channel 13 can be deleted from Laredo and used to replace Channel 3 in Nuevo Laredo and thus Channel 3 can be used in Corpus Christi. As to the alternative proposals to assign either Channel 2 or Channel 13 to Corpus Christi, it is asserted that, since a 220-mile separation from co-channel Houston stations would require a Corpus Christi station on one of those channels to be more than 40 miles or more from its city and therefore a competitive-quality signal could not be provided therein, the Commission should permit the separation from the Houston stations to be reduced to 190 miles. Assignment of Channel 13 would require deletion of that channel from Laredo, discussed above. With respect to its third propoal for assignment of Channel 13 for satellite operation at Kingsville, Coastal Bend proposes this only as a last alternative, which would give wide-area VHF service and thereby enable the UHF station to survive. The 1950 Census population of Corpus Christi was 108,287; Coastal Bend estimated its 1956 population as 175,800; and it is currently estimated that the population of Nueces County (Corpus Christi) is 228,800.

7. The licensee of Station KTRK–TV, Houston Channel 13, opposes assignment of Channel 13 to either Corpus Christi or Kingsville, asserting that Coastal Bend has not shown that its situation as a UHF station is difficult and that such assignment of Channel 13 would both limit service in the much larger city of Houston and deprive Laredo of a second VHF channel. KTRK–TV opposes any shift which may result in the location of a new transmitter site at a substandard separation even where (as here) low power operation is suggested as part thereof. As to the Kingsville Channel 13 satellite proposal, KTRK–TV asserts that such an assignment would violate the Commission's duopoly rule (§ 3.636) and is an inappropriate effort to combine rule making and adjudicatory proceedings. The licensee of KPRC–TV, Houston Channel 2, opposes any assignment of Channel 2 at less than 220 miles from its site near Houston, on the same basis.

8. The Bandera proposal: In support of its proposal to allocate Channel 2 to Bandera, some 40 miles from San Antonio, KCOR advances the considerations which we noted in our opinion denying its other requests (Memorandum Opinion and Order issued March 3, 1958)—its status as a UHF station serving particularly San Antonio's Spanish-speaking population, and the station's difficult situation because of lack of UHF receivers in the area. KCOR (whose petition is not supported by a detailed engineering showing) urges that the only objection to such assignment of Channel 2 is its present allocation to Piedras Negras, and that Channel 2 if deleted from the latter city can be replaced by either Channel 6 or Channel 7 in full compliance with applicable separation requirements; accordingly, we are asked to submit this proposal to Mexico. Recent estimates of the population of San Antonio and of Bexar County in which it is located are 555,600 and 615,900 respectively.

9. From a review of the KCOR petition and the opposing comments, it does not clearly appear what signal strength could be provided in the city of San Antonio by such an operation. The boundary between Zone III and Zone II lies some 34 miles northwest of San Antonio in the direction of Bandera; any transmitter location closer than that point to San Antonio would not comply with the 220-mile Zone III separation requirement, with respect to Houston. KCOR envisages a site (not specified) near the village of Pipecreek, a few miles east of Bandera and some 35 miles from San Antonio; where in places the elevation is 1,800 feet, 1,000 feet or more higher than San Antonio; it is asserted that a high tower there appears to be feasible but that even with a "medium size" tower, a satisfactory signal would be placed over the area which KCOR desires to serve, including San Antonio proper. Therefore, it is asserted, there is no air-navigational problem. KPRC–TV (Houston Channel 2) asserts, on the other hand (with supporting engineering affidavit), that such an operation could not provide a signal in San Antonio competitive with the three existing VHF signals; that from a Pipecreek site of 1,800 feet a station with maximum power and a tower height of 700 ft. would not provide a principal-city signal within 6 miles of San Antonio; and that any tower higher than 250 ft. at such a location would create airspace problems. It is argued that ultimately this plan would evolve into a proposal to move closer to San Antonio in violation of mileage separations. In reply to this argument, KCOR asserts that it intends to operate a Bandera station, not a San Antonio station, and while it intends to serve the larger city as much as possible the discussion of whether it would render "city-grade" service thereto or not is meaningless.

Conclusions. 10. The Commission has for several years been concerned with the problems of television allocations, centering around the failure of UHF, in many places, to develop to a point where UHF stations can compete effectively with VHF stations. We have been exploring various possibilities for the development of a long-range, over-all allocation structure which would remove the hindrances to the full development of nation-wide, fully competitive service. At the same time, we have considered the possibilities for the development of more competitively comparable facilities in sizeable markets where there is a shortage thereof, during the interim period while the long-range plan is being developed and implemented. We have concluded with respect to some markets that deintermixture thereof by removal of VHF assignments, making the area all-UHF, would be appropriate. In other situations, with different circumstances, we have made assignments of additional VHF channels to provide more comparable facilities in the VHF band. Recently, we have noted the desirability of assigning additional VHF channels in the major markets where there is a critical shortage of competitively comparable facilities. Corpus Christi is such a market. Accordingly, in line with our general policy for the interim period, we regard it as important to afford opportunity for the development of at least three comparable facilities in that area.

11. While, because of suitable terrain and other factors, the Corpus Christi market might formerly have been considered for deintermixture by making it all-UHF, it is to be noted that UHF Station KVDO–TV, formerly in operation there, has now been off the air since August, 1957, or for two years, leaving the two VHF stations as the only stations in the market, with consequent deterioration in the proportion of the UHF set circulation. Accordingly, we do not believe an all-UHF solution for Corpus Christi at this time would be appropriate for consideration, if—as presently appears likely—a third VHF channel can be made available there. Accordingly, we deny Coastal Bend's request for removal of one or both VHF channels, and we propose the assignment of an additional VHF channel to Corpus Christi.

12. The proposals discussed above present three channels for consideration—Channels 2, 3, and 13, with 13 proposed either for Corpus Christi or for the town of Kingsville, some 35 miles away. Assignment of Channels 2 or 13 to Corpus Christi would involve either a site location so far from Corpus Christi as to be of doubtful feasibility or mileage separations of less than 220 miles with the co-channel Houston stations. While we have recently indicated that in some circumstances we will consider short separations, we do not believe it appropriate to do so when, as here, an alternative appears feasible. Moreover, with respect to use of Channel 13 at either Corpus Christi or Kingsville, this would involve either an extremely short separation from the co-channel assignment at Laredo (no more than 125 miles) or deletion of that assignment there. Such short separation is not appropriate for consideration for the reasons just mentioned. As to deletion of the channel at Laredo, we do not believe that, where another alternative is available, we should consider the deletion of that city's second VHF assignment, which would in all probability leave the area for the indefinite future with only one United States television station. Accordingly, we deny the proposals which involve assignment of Channel 2 to Corpus Christi or Channel 13 to that city or to Kingsville.

13. Assignment of Channel 3 to Corpus Christi involves its deletion from Nuevo Laredo, Mexico. If Mexican concurrence in such a change is to be secured, another VHF channel must be found for assignment to that city. Coastal Bend proposes the deletion of Channel 13 from Laredo and its assignment to Nuevo Laredo as the solution to this problem. We do not believe deletion of Channel 13 from Laredo to be appropriate, for reasons mentioned above. Moreover, it appears doubtful

that Mexico would agree to the substitution of Channel 13 for Channel 3. Therefore we do not presently consider further this suggestion. However, it appears that another approach may be feasible. If Channel 2 (now assigned to Piedras Negras) is substituted for Channel 3 at Nuevo Laredo, Channel 3 could be assigned both to Corpus Christi and to Piedras Negras. Preliminary discussions of this subject with officials of the Mexican Government have indicated likelihood that approval of these changes may be secured. Therefore we believe it appropriate to institute rule-making proceedings looking toward the assignment of Channel 3 to Corpus Christi[3] subject to Mexican concurrence in deletion of that channel at Nuevo Laredo.

14. Assignment of Channel 3 to Corpus Christi also involves some limitation on its use because of the location of the co-channel station operating at Bryan, Texas, a city also in Zone III some 200 miles from Corpus Christi. The transmitter site of a Channel 3 Corpus Christi station would have to be some 20 miles in a direction south-southwest of the city.[4] It does not appear that this would constitute a serious obstacle to effective use of the channel in this market, in view of the generally flat terrain conditions in the area and the fact that the two existing VHF stations, with whom a new station on Channel 3 would be competing, are located some 14 miles from the city. In any event, any difficulty on this score would be less than that involved in a Channel 2 or Channel 13 assignment to Corpus Christi, mentioned above.

15. The assignment of Channel 2 to Nuevo Laredo, which as mentioned above has been one of the suggestions discussed on a preliminary basis with representatives of the Mexican Government, would preclude its assignment, at standard separation, to Bandera, Texas, since Bandera and Nuevo Laredo are about 160 miles apart. But as mentioned, the obtaining of an additional VHF assignment for Corpus Christi is an important consideration, as part of our treatment of this problem during the interim period. It appears that this assignment can best be obtained by assignment of Channel 3 at Corpus Christi and, further, that the most feasible way of obtaining such an assignment is to substitute Channel 2 for Channel 3 at Nuevo Laredo. The basic conflict between the Bandera proposal and the preferred proposal for Corpus Christi involves a choice between a third VHF service at Corpus Christi and the assignment of a fourth VHF station in San Antonio area with serious question concerning the grade of signal which such a station at Bandera could provide to San Antonio. In the circumstances, we conclude that the third VHF service to Corpus Christi would fully serve the public interest. Accordingly, KCOR's petition is denied.

16. Accordingly, notice is hereby given of proposed rule making to amend Section 3.606, Table of Assignments, Television Broadcast Stations, insofar as the city named is concerned, as follows:

City	Channel No.	
	Present	Proposed
Corpus Christi, Tex.	6+, 10−, *16+, 22, 43	3−, 6+, 10−, *16+, 22, 43

17. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 301, 303 (a), (b), (c), (d), (f), (g), (h), and (r) and 307(b) of the Communications Act of 1934, as amended.

18. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 9, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments.

19. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, responses, or comments shall be furnished the Commission.

20. In view of the foregoing: *It is ordered,* That the "Petition for Institution of Rule Making Proceedings" filed June 29, 1956, by Coastal Bend Television Company, and that portion of the "Petition for Partial Reconsideration and Further Request for Institution of Rule Making" filed by KCOR, Inc. (on April 2, 1958) on which we have not previously ruled, are denied.

21. *It is further ordered,* That the "Petition for Rule Making" and "Supplemental Petition for Institution of Rule Making," etc., filed by Coastal Bend Television Company on September 24, 1956, and October 15, 1956, respectively, are granted insofar as they request the institution of rule-making proceedings looking toward the assignment of Channel 3 to Corpus Christi, Texas, and in all other respects are denied.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7714; Filed, Sept. 15, 1959; 8:49 a.m.]

[3] Co-channel assignments at Piedras Negras and Corpus Christi are consistent with the protection requirements embodied in our mileage-separation rules, since these cities are some 200 miles apart and since that portion of the United States immediately adjacent to Piedras Negras is located in Zone II and not in Zone III.

[4] As part of its proposal involving Channel 3, Coastal Bend requested that any authorization for use of Channel 3 at Bryan be conditioned on use at a transmitter site located at least 220 miles from Corpus Christi. We did not so condition our authorization for Station KBTX-TV at Bryan because, as stated herein, the Bryan site location does not prevent the use of this channel in the Corpus Christi area.

[47 CFR Part 10]

[Docket No. 13195; FCC 59-949]

PUBLIC SAFETY RADIO SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 10, Public Safety Radio Services, to relax the station identification requirements applicable to certain mobile stations; docket No. 13195.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed by the Indiana Chapter, Associated Police Communication Officers, Inc., which seeks amendment of § 10.152 of the Commission's rules so as to permit identification by means of special mobile unit designators in lieu of assigned call signals provided certain conditions are met.

The pertinent rule paragraphs which the petitioner proposes to amend would read as follows:

§ 10.152 Station Identification.

(a) Each base and mobile station in the Public Safety Radio Service shall transmit the required identification at the beginning and/or the end of each transmission, or in lieu thereof, once each thirty minutes of the operating period, as the licensee may prefer.

* * * * *

(c) Identification shall be by assigned call letters unless a different method is specifically authorized by the Commission. Licensees may submit to the Engineer in Charge of the local area a proposal for special mobile unit designators and, upon receipt from the Commission of a notification or authorization, may identify individual mobile units by this method in lieu of the use of assigned call letters. This authority will not be granted where there is a possibility of harmful international interference, such as might be caused by stations operating on frequencies below 50 megacycles or stations operating within 50 miles of an international boundary, or in those instances where it appears to the Engineer in Charge that the proposed method of identification is not adequate.

The proposal would not substantively affect the remainder of the present rule.

3. In support of the request petitioner states that the proposed modification of the mobile unit identification procedure is to enable licensees in the Public Safety Radio Services to obtain "a more efficient usage of air time in a manner available to other services, notably the Land Transportation Radio Service." Petitioner further states:

The present requirement for transmission of the FCC-assigned call signal by mobile stations at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period; while basically of sound origin, no longer serves a useful purpose. There are several reasons that this is true. Call signs, as now issued, are at best difficult to understand; and with the heavy traffic load carried by police circuits, the call signs are usually spoken in such hasty and monotonous manner as to require a slower "repeat" when

such call sign is actually needed for records. If spoken at the end of each transmission, they consume an appreciable portion of each such transmission adding prohibitively to already overloaded circuits. If spoken only once each thirty minutes, anyone monitoring to determine the call sign may have to listen for several hours before he can copy the call sign accurately; by which time, if an interference problem existed, it has probably long since ceased to exist.

APCO seeks to obtain full compliance with all FCC Rules by Public Safety licensees, particularly those in the Police Radio Service. Recently, surveys have disclosed that the requirements for transmission of FCC-assigned call signals by mobile stations are largely ignored. It is our feeling that such ignoring of an FCC rule encompasses more than a matter of rules-violations—that indeed the rules themselves are in need of modification to make compliance an automatic portion of the communication task * * *.

4. Under present rules the required identification for stations in the Public Safety Radio Services is the assigned call signal. This identification must be transmitted at the end of each transmission or exchange of transmissions or once each thirty minutes of the operating period by all public safety stations with the exception that no identification is required of the following:

(a) Mobile units authorized to the licensee of the associated base station and which transmit only on the base station transmit frequency; and

(b) Stations which are entirely automatic in their operation and which, upon request therefor, have been specifically exempted from the identification requirements.

5. A large majority of the base-mobile systems in the Public Safety Radio Services are of the two-frequency variety; that is, the base station transmits on one frequency and the mobile units transmit on another. Additionally, a large number of licensees of mobile stations operate by means of arrangements whereby base station service is received from other licensees. Mobile stations in these categories are required, under present rules, to identify their transmissions by means of the assigned call signal as set forth in paragraph 4, supra.

6. It is the opinion of the Commission that in principle the request of the petitioner for amendment of the rules so as to permit mobile units to identify by means of unit designators rather than by assigned call signals has merit. The Commission is also proposing certain amendments to clarify the present rule. In this regard, a new paragraph (g), as shown below, has been proposed which defines more clearly the stations covered under paragraph (f) of the present rule. However, some modification with respect to specific details of the proposal has been made by the Commission. Thus, the proposed paragraph (b) as set forth below extends the availability of the suggested identification procedure beyond that proposed by the petitioner in its paragraph (c) (paragraph 2, supra).

7. Further, in order to achieve easy identification of the transmissions of mobile units which use something other than the assigned call signal, the Commission is of the opinion that the unit designator should contain, as a minimum, the name of the governmental subdivision under which the unit is licensed. Accordingly, the Commission's proposed rule change incorporates that requirement.

8. The Commission is not in accord with that part of the petition which would permit station identification to be transmitted either at the beginning or at the end of the transmission. Experience gained over the years has conclusively shown that identification at the end of the transmission, or exchange of transmissions, provides the more reliable means of identifying stations being monitored. This stems from the very nature of monitoring operations which involve, in many instances, tuning across a given segment of the spectrum in search of signals. For this type of monitoring, the identification signals, if sent only at the beginning of the transmission, would frequently be missed. Accordingly, the Commission is not proposing adoption of that portion of the petition. However, it should be noted that the rule change herein proposed does not prohibit the use of the identifying signal at the beginning as well as the end of the transmission, if the licensee so desires.

9. Petitioner's proposed paragraph (a) of § 10.152, quoted in paragraph 2, supra, classes both "base" and "mobile" stations together insofar as the transmission of the "required identification" is concerned. Further, the petitioner proposes, in paragraph (c), that "Identification shall be by assigned call letters unless a different method is specifically authorized by the Commission." These paragraphs, taken together, would appear to allow base stations to use means of identification other than the assigned call signal to the same extent as mobile stations. This would appear to be at variance with the expressed purpose and reasoning of the petition elsewhere which advocate changes with respect to mobile stations only. In the absence of any justification for a relaxation of the station identification procedure applicable to base stations, the proposed amendment of § 10.152 makes no change in the identification procedure which is presently required of base stations. However, the Commission specifically invites comments from interested parties as to whether the proposed less stringent procedures should be extended to base as well as mobile stations.

10. Accordingly, the Commission proposes to amend § 10.152, Public Safety Radio Services, as shown.

11. The proposed amendments are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, (47 U.S.C. 154, 303).

12. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 2, 1959, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views and briefs. The Commission will consider all such comments prior to taking final action in this matter.

13. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 10.152 to read as follows:

§ 10.152 Station identification.

(a) Except as provided in paragraph (b) of this section, the required identification for stations in these services shall be the assigned call signal.

(b) In lieu of meeting the requirements of paragraph (a) of this section, mobile units in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services operating above 30 Mc may identify by means of an identifier other than the assigned call signal:

Provided, That such identifier contain, as a minimum, the name of the governmental subdivision under which the unit is licensed; that the identifier is not composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal; *And provided further,* That the licensee notifies, in writing, the Engineer in Charge of the District in which the unit operates concerning the specific identifiers being used by the mobile units.

(c) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(d) Except as indicated in paragraphs (e), (f), and (g) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(e) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(f) Except as indicated in paragraph (e) of this section, a mobile station shall transmit an identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to trans-

mit the identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the identification. For the purpose of this paragraph the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(g) A station which is transmitting for telemetering purposes or for the actuation of devices, or which is retransmitting by self-actuating means a radio signal received from another radio station or stations, will be considered for exemption from the requirements of paragraph (d) of this section in specific instances, upon request.

[F.R. Doc. 59-7712; Filed, Sept. 15, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

FOUR PERCENT TREASURY NOTES OF SERIES B-1962

Redemption

1. Although they do not mature until August 15, 1962, 4 percent Treasury Notes of Series B-1962 may, in accordance with their terms, be redeemed at the option of the owners at par and accrued interest on February 15, 1960, if notice in writing of intention to redeem (which may not be revoked) is given to the Office of the Treasurer of the United States or to any Federal Reserve Bank or Branch on or before November 16, 1959, and the notes are temporarily surrendered to the office to which notice is given.

2. The temporary surrender of the notes with all coupons dated subsequent to February 15, 1960, thereto attached is necessary in order that a legend may be placed on the notes showing that the owner has exercised his option, and a legend on coupons Nos. 6, 7, 8, 9, and 10 (due August 15, 1960, February 15, 1961, August 15, 1961, February 15, 1962, and August 15, 1962, respectively), showing that they have been cancelled and are ineligible for payment.

3. It was indicated in Treasury Department Circular No. 995, which was published on September 19, 1957 (22 F.R. 7488) that such coupons would be detached from notes temporarily surrendered in connection with the exercise of the option to redeem prior to maturity. However, the cancellation procedure prescribed in the preceding paragraph has now been adopted as the more appropriate procedure under the circumstances.

4. The legend for notes presented to a Federal Reserve Bank or Branch will be placed on the face thereof under the portrait and will read as follows:

Pursuant to its terms, notice has been received that this note is due and payable February 15, 1960. It does not bear interest beyond that date.

FEDERAL RESERVE BANK
OF _____,
FISCAL AGENT

The legend for notes presented to the Office of the Treasurer of the United States will be the same except that such office will be identified simply by the words, "Treasurer, U.S."

The legend for the coupons will be placed on the face thereof and will read as follows:

CANCELLED
INELIGIBLE FOR PAYMENT
Do Not Detach

JULIUS W. BAIRD,
Acting Secretary of the Treasury.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7702; Filed, Sept. 15, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[82990]

MINNESOTA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

SEPTEMBER 9, 1959.

The Plat of Survey of Omitted Land described below, accepted May 19, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m., on November 1, 1959.

FOURTH PRINCIPAL MERIDIAN, LAKE COUNTY, MINNESOTA

		Acres
T. 58 N., R. 7 W.,		
Sec. 30, Lot 9	containing	4.14
10	containing	21.15
11	containing	1.75
12	containing	17.48
13	containing	39.65
14	containing	14.70
15	containing	3.81
16	containing	1.00
Containing in the aggregate		103.68

This plat represents the establishment of the purported record meander line of the lake in Sec. 30, as shown upon the official plat approved March 26, 1903 and the survey of lands therein. The original survey of T. 58 N., R. 7 W., purports to segregate a lake within Sec. 30, where in effect no lake exists.

As determined from its examination by the surveyor, the land included in this survey is level swamp and gently rolling upland. The soil is black and clay loam, with muck in the swamps, and sandy, stony, and gravelly. The timber species consists of balsam, cedar, birch, spruce, poplar, balm of Gilead, white pine, and ash, ranging in size from 4 to 30 inches diameter; there is a dense growth of alder and swamp maple in the swamps and hazel and cherry on the upland. Considerable timber has been cut in earlier timber operations and many old stumps are left. There are no improvements on the area. Lots 10, 11, 12, 13, 15 and 16, are over 50 percent upland in character, and Lots 9 and 14, are over 50 percent swamp in character, within the meaning of the Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519).

Upon the effective date hereof, the land involved will become subject to the operation of and disposal under the existing appropriate public land laws.

The State of Minnesota elected to make the field notes of survey the basis for determining what lands passed to the State under the Swamp Land Grant Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519). Having so elected the State is bound thereby, as is also the Government.

Accordingly, when a survey is made of a public land area, within the State of Minnesota and the field notes of the survey indicate that any of the land is swamp or overflow in character within the meaning of the Acts of March 2, 1849 and September 28, 1850, the Swamp area becomes the subject of a grant to the State under said acts, which becomes effective upon the acceptance of the survey.

The State may at any time after the effective date of this notice and order, file its application, in this office, to select Lots 9 and 14, Sec. 30, T. 58 N., R. 7 W., 4th P.M., Minnesota, under the Swamp Land Grant Acts of March 2, 1849 and September 28, 1850, and request a patent therefor.

No application may be allowed for Lots 10, 11, 12, 13, 15 and 16, Sec. 30, T. 58 N., R. 7 W., 4th P.M., under the homestead or small tract or any of the other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any such application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws, for Lots 10, 11, 12, 13, 15 and 16, Sec. 30, T. 58 N., R. 7 W., 4th P.M., may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications

presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph;

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 274–284, as amended), presented prior to 10:00 a.m., on November 1, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m., on February 1, 1960, will be governed by the time of filing.

3. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., February 1, 1960, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59–7685; Filed, Sept. 15, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Amendment to September 1959 Monthly Sales List

The price listing for the Commodity Credit Corporation Monthly Sales List for September 1959, 24 F.R. 7385, is amended by withdrawing butter from the listing. Effective 1:30 p.m., September 2 all sales of butter by CCC are being discontinued.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: September 11, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–7706; Filed, Sept. 15, 1959; 8:50 a.m.]

Office of the Secretary

MISSOURI

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

MISSOURI

Mercer Putnam

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of September, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–7710; Filed, Sept. 15, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–20]

OCEAN TRANSPORT CO.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source and Special Nuclear Material License to the Ocean Transport Company, No. 1 Drumm Street, San Francisco, California, substantially in the following form, authorizing the disposal of waste byproduct, source and special nuclear material in the Pacific Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice". There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license. The license application is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland, this 9th day of September, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing & Regulation.

[License No. 4–5668–1 (I61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Control of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the application dated June 16, 1959, and amendment thereto dated July 23, 1959 (hereinafter referred to as "the application") a license is hereby issued to the Ocean Transport Company, No. 1 Drumm Street, San Francisco 11, California, to receive, possess, and dispose of byproduct, source and special nuclear material.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 750 curies of byproduct material, 2,000 pounds of source material and 4 grams of special nuclear material at any one time.

2. Byproduct, source and special nuclear material shall be received and disposed of by, or under the direct supervision of an individual having the training and experience at Lawrence Radiation Laboratory, University of California, as specified in the application.

3. The licensee shall only receive byproduct, source, and special nuclear material which has been previously packaged for sea disposal in a manner specifically authorized by the Division of Licensing and Regulation, Atomic Energy Commission.

4. The licensee shall receive, possess and dispose of byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

5. A copy of the "Emergency Procedure" contained in the application shall be supplied to each employee of the licensee involved in the receipt and disposal of byproduct, source and special nuclear material.

6. The transportation of AEC-licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements:

A. There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

B. The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

C. At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

D. Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

E. The outside of each container shall be semipermanently identified (painted on, impressed in concrete or attached metal tag) with the following information:

(1) Name or other identifying mark of the organization packaging the material;

(2) Date of packaging;

(3) Most hazardous radioactive material contained; and

(4) Total activity contained (expressed as millicuries of byproduct material and/or weight of source and special nuclear material).

F. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

G. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

7. The licensee shall store packaged byproduct, source and special nuclear material only at its site located at the foot of South 4th Street, corner of Wright Avenue, Inner Harbor, Richmond, California.

8. The licensee shall dispose of byproduct, source and special nuclear material at a minimum depth of 1,000 fathoms in the Pacific Ocean within 5 miles of:

(1) parallel of 37°–40′ north latitude, meridian of 124°–50′ west longitude,

(2) parallel of 37°–41′ north latitude, meridian of 123°–25′ west longitude, or

(3) other locations in the Pacific Ocean when approved by the Commission.

9. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, and the amount of special nuclear material in grams.

11. Byproduct, source and special nuclear material received under this license shall be disposed of at sea within 21 months from the date on which the Ocean Transport Company first takes possession of such material.

12. The licensee shall maintain records of the types and amounts of byproduct, source and special nuclear material received from each customer, and shall maintain a certified true copy of the ship's log indicating the date and location of each disposal.

This license shall be effective on the date issued and shall expire on September 30, 1961.

Date of Issuance:

For the Atomic Energy Commission.

MEMORANDUM BY DIVISION OF LICENSING AND REGULATION

By a application dated June 16, 1959, and amendment thereto dated July 23, 1959, the Ocean Transport Company, No. 1 Drumm Street, San Francisco, California, requested a license to receive, possess and dispose of packaged low-level byproduct, source and special nuclear material wastes in the Pacific Ocean.

Based on the considerations set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of a byproduct, source and special nuclear material license to the Ocean Transport Company will not be inimical to the health and safety of the public.

Equipment, facilities and procedures. The waste materials received by the Ocean Transport Company will have been previously packaged for sea disposal in a manner specifically authorized by the Division of Licensing and Regulation, Atomic Energy Commission. The Division of Licensing and Regulation will only authorize packaging procedures which are consistent with the recommendations of the National Committee on Radiation Protection as set forth in the National Bureau of Standards Handbook 58, "Disposal of Radioactive Waste in the Ocean". The licensee will not open the containers but will merely store them until there is a sufficient quantity to warrant a trip to sea.

The proposed storage site is located at South Fourth Street and Wright Avenue, Inner Harbor, Richmond, California. It is on the waterfront in an industrial area. The proposed site is approximately 260 feet by 150 feet and will be enclosed by a chain link fence. The area will be locked and guard service will be provided to prevent unauthorized entry.

Radiation safety procedures have been established covering each phase of the proposed operations. Adequate instrumentation will be available for measuring radiation levels from containers, and surveying for radioactive contamination. Necessary equipment for transporting the packaged waste from customers' facilities to the storage site and from the storage site to the disposal area is available to the applicant. Transportation of waste material to and from the applicant's proposed site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 6 of the proposed license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the proposed operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Experience of personnel. The proposed operations will be under the direct supervision of a person who has had at least four years' training and experience at the Lawrence Radiation Laboratory, University of California, in the safe use of radioactive materials, including radiation surveying and monitoring, contamination control, decontamination, packaging of radioactive material for transportation, and the principles and practices of radiation protection. Therefore, it appears the applicant will have personnel with adequate training and experience in radiation safety to assure the waste disposal operations will be conducted in such a manner as to protect health and minimize danger to life and property.

Disposal site. The radioactive waste will be disposed of at the locations specified in Condition 8 of the proposed license. One location is about 50 miles and the other location is about 110 miles west of the Golden Gate. The ocean depth at these locations is at least 1,000 fathoms and they are beyond the continental shelf. Ocean Transport Company will maintain the necessary records to verify disposal at these sites. At least 20 days prior to each disposal the Commission will be notified by the licensee of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, source material in pounds, and special nuclear material in grams.

The disposal of packaged low-level radioactive waste at sea where the depth is at least 1,000 fathoms is considered a safe method of disposal. The small amounts of radioactive material licensed for sea disposal, if released in sea water at the specified location, would be greatly diluted and dispersed by the ocean and would not result in radioactivity of public health significance.

[F.R. Doc. 59–7674; Filed, Sept. 15, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12825, etc.; FCC 59M–1143]

BINDER-CARTER-DURHAM, INC., ET AL.

Statement and Order After Prehearing Conference

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP–11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP–12526; Triad Television Corporation, Lansing Michigan, Docket No. 12942, File No. BP–12980; for construction permits for standard broadcast stations.

1. After the consolidation of Triad's application in this proceeding, a further prehearing conference was held on September 10, 1959. It was attended by counsel for Graham, Triad, and the Broadcast Bureau, but not by counsel for Binder-Carter-Durham, Inc. The following rulings, however, based upon the agreement of the other parties at the conference, will be binding on Binder-Carter-Durham, Inc., equally with the other parties.

2. *It is ordered,* This 10th day of September, 1959, that:

(1) The hearing for the reception of evidence is scheduled for Tuesday, November 3, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

(2) The affirmative direct cases of the applicants shall be in written form, as permitted by Rule 1.111(b). Each applicant shall furnish its written testimony and proposed exhibits to the other parties and the Hearing Examiner no later than October 21, 1959. Each party shall mark its proposed exhibits in numerical order, beginning with Exhibit No. 1. Written testimony shall be over the respective individual affidavit of each witness. Three copies of the written testimony and proposed exhibits shall be furnished by the applicants to each other, and one copy each shall be furnished to the Broadcast Bureau and the Hearing Examiner.

(3) The parties shall inform the other parties of the names of the witnesses each desires for cross-examination no later than October 28, 1959.

3. It was agreed that the parties would attempt to arrange an informal conference looking to a convenient presentation of engineering testimony.

4. The parties also agreed, and the Hearing Examiner approves, that programing contacts made after October 10, 1959, will not be recognized.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7715; Filed, Sept. 15, 1959; 8:49 a.m.]

[Docket Nos. 12854, 12855; FCC 59M-1138]

GOLETA BROADCASTING ASSOCIATES AND BERT WILLIAMSON AND LESTER W. SPILLANE

Order Scheduling Hearing

In re applications of Thomas J. Davis, Jr., and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP-12044; Bert Williamson and Lester W. Spillane, a Co-Partnership, Santa Barbara, California, Docket No. 12855, File No. BP-12154; for construction permits.

Pursuant to joint motion of counsel at the prehearing conference held on this date: *It is ordered,* This 9th day of September 1959, that the hearing in the above-entitled proceeding previously continued to a date to be fixed at the prehearing conference, be and the same is hereby set for December 14, 1959, at 10 a.m., in Washington, D.C.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7716; Filed, Sept. 15, 1959; 8:49 a.m.]

[Docket Nos. 13076, 13077; FCC 59M-1142]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order for Prehearing Conference

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations (Channel 8).

A prehearing conference in the above-entitled proceeding will be held on Tuesday, October 6, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 10th day of September 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7717; Filed, Sept. 15, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16916]

SOUTH FORK GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 9, 1959.

In the matter of R. J. Braden, et al., d/b/a South Fork Gas Company, Docket No. G-16916.

Take notice that on November 7, 1958, R. J. Braden, et al., d/b/a South Fork Gas Company, (Applicant), filed in Docket No. G-16916 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Hope Natural Gas Company (Hope) from specified acreage in Murphy District, Ritchie County, West Virginia, under a gas sales contract between Applicant and Hope dated September 24, 1958, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On June 8, 1959, Applicant filed, pursuant to section 7(b) of the Act, an amendment to the foregoing application in Docket No. G-16916 requesting permission and approval to abandon the subject sale of natural gas to Hope because the volumes of gas available for delivery under the sales contract had declined to the point where it was no longer economically feasible to continue the operation. Concurrently with its application for permission to abandon, Applicant filed a supplemental agreement between itself and Hope dated May 5, 1959, which agreement cancelled and terminated the aforesaid contract of September 24, 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7679; Filed, Sept. 15, 1959; 8:45 a.m.]

[Docket No. G-18524]

PHILLIPS PETROLEUM CO.

Notice of Application and Date of Hearing

SEPTEMBER 9, 1959.

Take notice that on May 11, 1959, Phillips Petroleum Company (Applicant) filed in Docket No. G-18524 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Lone Star Gas Company (Lone Star) from the Culberson No. 3 Well, located in the Doyle Field, Stephens County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract between Applicant and Lone Star dated January 1, 1953, as amended, which is on file as Phillips Petroleum Company FPC Gas Rate Schedule No. 157. Authority to render the subject service was granted to Applicant on September 28, 1956, in Docket No. G-3444 (Docket Nos. G-2605, et al.).

Applicant states that the Culberson No. 3 Well has been unable to produce gas against the varying pressure in Lone Star's system and that the basic contract of January 1, 1953, was terminated effective April 1, 1959. Notice of cancellation of the related rate schedule has been accepted for filing and designated Supplement No. 2 to Phillips Petroleum Company FPC Gas Rate Schedule No. 157.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested

hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7680; Filed, Sept. 15, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3817]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing Regarding Proposal to Transfer Funds From Earned Surplus Account to Capital Stock Account

SEPTEMBER 9, 1959.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to increase that part of its capital stock represented by 2,850,000 shares of outstanding no par value common stock from $34,200,000 to $37,050,000 by transferring $2,850,000 from the earned surplus account to the common capital stock account. At June 30, 1959, Mississippi's earned surplus amounted to $7,267,862. During the twelve months ended June 30, 1959, dividends charged to the earned surplus account aggregated $3,542,410, consisting of $464,410 on Mississippi's outstanding preferred stock and $3,078,000 on its outstanding common stock.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions, and that no fees, commission or expenses are to be paid in connection with the proposed transactions.

Notice is further given that any interested person may, not later than September 25, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7689; Filed, Sept. 15, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-IV-1 (Revision 1), Amdt. 2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation of Authority Relating to Financial Assistance

I. Delegation of Authority No. 30-IV-1 (Revision 1), (23 F.R. 6272, 10574) is hereby further amended by deleting Paragraph II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in sections I A and B may be redelegated.

Effective date: August 10, 1959.

CLARENCE P. MOORE,
Regional Director.

[F.R. Doc. 59-7691; Filed, Sept. 15, 1959; 8:47 a.m.]

[Delegation of Authority No. 30-IV-13 (Revision 2)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority 30-IV-1, (Revision 1), (23 F.R. 6272, 10574) and as further amended August 10, 1959, there is hereby delegated to the Chief, Loan Administration Section, the authority:

A. *Specific.*

1. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

2. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

3. To take the following actions in the administration and collection of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans; approve the application of same against premium due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

4. To take the following actions in the administration of fisheries' loans:

a. Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

b. Administer fisheries' loans with the same authority exercised with respect to SBA loans.

5. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Waive violations of agreements to maintain working capital of a specified amount.

6. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the loan administration functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief,
Financial Assistance Division.

[F.R. Doc. 59-7692; Filed, Sept. 15, 1959; 8:47 a.m.]

[Delegation of Authority No. 30-IV-22]

CHIEF, LOAN PROCESSING SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-IV-1 (Revision 1), as amended (23 F.R. 6772, 10574) and as further amended August 10, 1959, there is hereby redelegated to the Chief, Loan Processing Section, the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

c. Disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsideration of disaster loans.

3. To approve or decline Limited Loan Participation loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*
By _____
Chief, Loan Processing Section.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To take the following actions in connection with fisheries' loans:

a. Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

b. Cancel loan authorization prior to disbursement upon the written request of the applicant.

c. Disburse fisheries' loans in the same manner as SBA business loans.

12. To take the following actions within the same authority exercised with respect to SBA loans:

a. Approve changes in use of loan proceeds in connection with partially disbursed loans.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the loan processing functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated to the Chief, Loan Processing Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief, Financial
Assistance Division.

[F. R. Doc. 59-7693; Filed, Sept. 15, 1959; 8:48 a.m.]

[Delegation of Authority No. 30-IV-23]

CHIEF, LOAN LIQUIDATION SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority 30-IV-1 (Revision 1), as amended (23 F.R. 6272, 10574), as further amended August 10, 1959, there is hereby delegated to the Chief, Loan Liquidation Section, the authority:

A. *Specific.*

1. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the liquidation of any disaster loan, or other loan in the name of the Reconstruction Finance Corporation or the Small Business Administration.

2. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

3. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

4. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereby is a beneficiary and where the Small Business Administration or its Ad-

ministrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

5. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

6. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

7. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

8. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

9. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

10. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

11. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the loan liquidation functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated to the Chief, Loan Liquidation Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief, Financial Assistance Division.

[F.R. Doc. 59-7694; Filed, Sept. 15, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35676: *Tin or terne plate from, to, and between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7632), for interested rail carriers. Rates on tin or terne plate and tin mill plack plate, carloads from, to, and between points in southwestern territory.

Grounds for relief: Change in existing commodity description of involved commodities.

Tariff: Supplement 65 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35677: *Rock salt—Detroit, Mich., to Twin Cities group.* Filed by O. E. Schultz, Agent (ER No. 2508), for interested rail carriers. Rates on rock salt, crushed and screened, in bulk, carloads from Detroit, Mich., to Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn.

Grounds for relief: Market competition with Kansas producing points.

Tariff: Supplement 37 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. 4798 (Hinsch series).

FSA No. 35678: *Crushed stone—Huntington, Mo., to Illinois points.* Filed by The Wabash Railroad Company, Agent (No. 31), for itself. Rates on crushed stone, road surfacing, in open-top cars, carloads from Huntington, Mo., to Alexander and New Berlin, Ill.

Grounds for relief: Truck competition.

Tariff: Supplement 34 to Wabash Railroad Company tariff I.C.C. 7764.

FSA No. 35679: *Soda ash—Westvaco, Wyo., to Baldwin, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-7636), for interested rail carriers. Rates on soda ash other than modified, light, carloads from Westvaco, Wyo., to Baldwin, Wyo.

Grounds for relief: Market competition at Baldwin with Baton Rouge, La., Corpus Christi, Tex., and other producing points in Louisiana and Texas.

Tariff: Supplement 107 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4252.

FSA No. 35680: *Returned shipments of phosphatic fertilizer solutions from, to, and between western points.* Filed by Western Trunk Line Committee, Agent (No. A-2084), for interested rail carriers. Rates on phosphatic fertilizer solution, tank-car loads, returned to point of origin from, to, and between points in western trunk-line territory.

Grounds for relief: Short-line distance formulas at objective destinations, and maintenance of existing rates at certain intermediate points not affected by same conditions.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7699; Filed, Sept. 15, 1959; 8:48 a.m.]

[Notice 97]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 11, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-1422 (Deviation No. 2) VOSS TRUCK LINES, INC., 900 SW. Second, Post Office Box 917, Oklahoma City 1, Okla., filed August 24, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction unnumbered highway at or near Braman, Okla., thence over such unnumbered highway to the Kansas-Oklahoma State line and thence over the Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Oklahoma City over U.S. Highway 66 to Joplin, Mo., thence over Missouri Highway 14 to junction Alternate U.S. Highway 71, thence over Alternate U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 71 to Kansas City, Mo.; from junction U.S. Highway 66 and Kansas Highway 26 over Kansas Highway 26 to Crestline, Kans., thence over U.S. Highway 69 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same routes.

No. MC 2306 (Deviation No. 1), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1059. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio over Ohio Highway 14 to No. 13 Interchange of the Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, and thence over Pennsylvania Turnpike to Valley Forge, Pa., and thence over the Schuykill Expressway to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent routes as follows: From Cleveland over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78 and thence over New York Highway 78 to junction New York Highway 33, and thence over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J.; from Philadelphia by bridge to Camden, N.J., thence over New Jersey Highway 70 (formerly New Jersey Highway 40) to junction New Jersey Highway 72 (formerly New Jersey Highway S40), thence over New Jersey Highway 72 to junction unnumbered highway at a point one mile south of Beach Arlington, N.J., thence south over unnumbered highway to Beach Haven; from Philadelphia to junction unnumbered highway and New Jersey Highway 72 to a point one mile south of Beach Arlington, N.J., as specified above, thence north over unnumbered highway to Barnegat City; from New York over U.S. Highway 9 to junction New Jersey Highway 34 (formerly U.S. Highway 9), thence over New Jersey Highway 34 to junction New Jersey Highway 79 (formerly U.S. Highway 9), thence over New Jersey Highway 79 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction U.S. Highway 40 at Pleasantville, N.J., thence over U.S. Highway 40 to Atlantic City; from Manahawkin over New Jersey Highway 72 (formerly New Jersey Highway S40) to junction unnumbered highway, thence south over unnumbered highway to Beach Haven; from Manahawkin to junction unnumbered highway and New Jersey Highway 72, as specified above, thence north over unnumbered highway to Barnegat City; and return over the same routes.

No. MC-2306 (Deviation No. 2) STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over U.S. Highway 6, Massachusetts Highway 15, and U.S. Highway 44 (via a superhighway known as Wilbur Cross Highway) to Gate 9 of the Massachusetts Turnpike, thence over the Massachusetts Turnpike (Interstate System Highway 90), to Boston, Mass., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., and thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC-2306 (Deviation No. 3) STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike (Interstate System Highway 90), to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, and return over the same route.

No. MC-2306 (Deviation No. 4), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over the New Jersey Turnpike to Exit Gate 4 near Fellowship, N.J., thence over New Jersey Highway 73 to the junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Philadelphia by bridge to Camden, N.J., thence over New Jersey Highway 70 to junction New Jersey Highway 72, thence over New Jersey Highway 72 to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark and return over the same route.

No. MC-8929 (Deviation No. 2), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed July 27, 1959. Attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Interchange No. 7 of the Ohio Turnpike at or near Sandusky, Ohio, over the Ohio Turnpike to junction Pennsylvania Turnpike at or near Koppel, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From Sandusky, Ohio, over U.S. Highway 250 to Norwalk, Ohio, thence over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Newcastle, Pa., thence over Pennsylvania Highway 18 to Koppel, Pa., and return over the same route.

No. MC-10761 (Deviation No. 2) TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 17, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from the entrance of the Indiana Toll Road at or near the Indiana-Illinois State line over the Indiana Toll Road to the exit or junction with the Ohio Turnpike at or near the Indiana-Ohio State line; (2) from the entrance to the Ohio Turnpike and junction Ohio Turnpike and Indiana Toll Road at or near the Ohio-Indiana State line over the Ohio Turnpike to its exit or junction with the Pennsylvania Turnpike at or near the Ohio-Pennsylvania State line, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to junction U.S. Highway 33 thence over U.S. Highway 33 to Elkhart, Ind., thence over U.S. Highway 20 to junction Ohio Highway 263, thence over Ohio Highway 263 to Toledo, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to

junction Ohio Highway 254, thence over Ohio Highway 254 via Avon, Ohio, to Cleveland, Ohio; from Chicago over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to Elkhart, Ind., thence over U.S. Highway 20 to junction Ohio Highway 49, thence over Ohio Highway 49 to Edon, Ohio, thence over Ohio Highway 34 to Bryan, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland; from Cleveland over U.S. Highway 21 to Massillon, Ohio (also from Cleveland over U.S. Highway 21 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 241, thence over Ohio Highway 241 to Massillon, Ohio), thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., and thence over Pennsylvania Highway 88 to Pittsburgh; from Cleveland over Ohio Highway 14 to Salem, Ohio, thence over Ohio Highway 45 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Ohio Highway 267, thence over Ohio Highway 267 to East Liverpool, Ohio, thence to Pittsburgh as specified above, and return over the same routes.

No. MC–10761 (Deviation No. 3) TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 17, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over the Kansas Turnpike to the Kansas-Oklahoma State line, thence over U.S. Highway 177 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 66 north of Oklahoma City, Okla, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Oklahoma City over U.S. Highway 66 to Sapulpa; from Atoka over U.S. Highway 75 to Tulsa; from Kansas City over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to Garnett, Kans., thence over U.S. Highway 169 to Coffeyville, Kans., thence over U.S. Highway 166 to Caney, Kans., thence over U.S. Highway 75 to Tulsa, and return over the same routes.

No. MC–29988 (Deviation No. 3), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed July 24, 1959. Attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From the Ohio-Pennsylvania State line over the Pennsylvania Turnpike to junction New Jersey Turnpike at or near the Pennsylvania-New Jersey State line, thence over the New Jersey Turnpike to the junction of New York State Highway No. 3 at the Lincoln Terminal Interchange No. 16 approximately 3 miles from New York, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized route as follows: From Chicago over U.S. Highway 20 to junction U.S. Highway 62 approximately 4 miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and LaFayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W) to New York and return over the same route.

No. MC–30138 (Deviation No. 1) A. C. E. TRANSPORTATION COMPANY, INC., 395 Baird Street, Post Office Box 1192, Akron 9, Ohio, filed September 1, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over deviation routes as follows: (1) from Pennsylvania Turnpike Interchange 20 (Lebanon-Lancaster) over Pennsylvania Highway 72 to junction U.S. Highway 22; (2) from Pennsylvania Turnpike Interchange 21 (Reading) over U.S. Highway 222 to Reading, Pa., thence over U.S. Highway 122 to junction U.S. Highway 22; from Pennsylvania Turnpike Interchange 21 (Reading) over U.S. Highway 222 to Reading, Pa., thence over U.S. Highway 222 to junction U.S. Highway 22 near Allentown, Pa., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Ebensburg, Pa., and Newark, N.J., over U.S. Highway 22.

No. MC–35484 (Deviation No. 2), VIKING FREIGHT COMPANY, 614 South 6th Street, St. Louis 2, Mo., filed July 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Dayton, Ohio, over U.S. Highway 25 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 128 at Hamilton, Ohio, thence over Ohio Highway 128 to junction U.S. Highway 50 near Cleves, Ohio, thence over U.S. Highway 50 to junction Indiana Highway 57 at Washington, Ind., thence over Indiana Highway 57 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 60 near Henderson, Ky., thence over U.S. Highway 60 to Paducah, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton, Ohio, over Ohio Highway 49 to junction of U.S. Highway 40, thence over U.S. Highway 40 to junction Illinois Highway 37 at Effingham, Ill., thence over Illinois Highway 37 to junction Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction U.S. Highway 45 at Vienna, Ill., thence over U.S. Highway 45 to Paducah and return over the same route.

No. MC–35484 (Deviation No. 3) VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed August 7, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Paducah, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 40 to junction Illinois Highway 37 at Effingham, Ill., thence over Illinois Highway 37 to junction Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction U.S. Highway 45 at Vienna, Ill., thence over U.S. Highway 45 to Paducah, and return over the same route.

No. MC–50544 (Deviation No. 1), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 914 Texas And Pacific Building, Dallas, Tex., filed July 14, 1959. Attorney: H. Dystin Fillmore, 914 Texas and Pacific Building, Dallas, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Dallas, Tex., over the Dallas-Fort Worth Turnpike to Fort Worth, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas and Forth Worth over U.S. Highway 80.

No. MC–59680 (Deviation No. 3) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 66 to Webb City, Mo., thence over U.S. Highway 71 to junction the Will Rogers Turnpike (U.S. Highway 166 near Joplin, Mo.), thence over the Will Rogers Turnpike to Exit Gate No. 3 near Big Cabin, Okla., thence over U.S. Highway 69 to Denison, Tex., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis and Dallas over U.S. Highway 67.

No. MC–59680 (Deviation No. 4) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier pro-

poses to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 175 to Kaufman, Tex., thence over Texas Highway 243 to Canton, Tex., thence over Texas Highway 64 to Henderson, Tex., thence over U.S. Highway 79 to Carthage, Tex., and thence over U.S. Highway 59 to Nacogdoches, Tex., thence over Texas Highway 21 to San Augustine, Tex., thence over U.S. Highway 96 to Jasper, Tex., thence over U.S. Highway 190 to Kinder, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 to Kinder and return over the same route.

No. MC–59680 (Deviation No. 5) STRICKLAND TRANSPORTATION Co., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 90 and Texas Highway 235 approximately eight miles from Beaumont, Tex., over Texas Highway 235 to the Texas-Louisiana State line, thence over Louisiana Highway 12 to Kinder, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 90 and Texas Highway 235 over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 to Kinder, La., and return over the same route.

No. MC–59680 (Deviation No. 6) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Detroit, Mich., over U.S. Highway 25 to Toledo, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 68 to Springfield, Ohio, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 112 to New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill., thence over irregular routes to Aurora, Ill., thence over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis and return over the same route.

No. MC–70451 (Deviation No. 6) WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed August 13, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 89 and Arizona Highway 69 five miles northwest of Phoenix, Ariz., thence over Arizona Highway 69 to the junction of U.S. Highway 89 at Whipple, Ariz., 2 miles north of Prescott, Ariz., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 89 and Arizona Highway 69 five miles northwest of Phoenix, Ariz., over U.S. Highway 89 via Wickenburg, and Congress Junction to junction Arizona Highway 69 at Whipple, Ariz., two miles north of Prescott, Ariz., and return over the same route.

No. MC–70451 (Deviation No. 7) WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed August 13, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Show Low, Ariz., over Arizona Highway 61 to junction U.S. Highway 666, at St. Johns, Ariz., thence over U.S. Highway 666 to Sanders, Ariz., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service route: From Show Low, Ariz., over Arizona Highway 77 to Holbrook, Ariz., thence over U.S. Highway 66 to Sanders, Ariz., and return over the same route.

No. MC–72444 (Deviation No. 4) AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed July 31, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Big Tree, N.Y., over U.S. Highway 20 to Avon, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Chicago, Ill., over U.S. Highway 20 to Big Tree, thence over U.S. Highway 62 to junction New York Highway 5, thence over New York Highway 5 to Utica, N.Y., and return over the same route.

No. MC–72444 (Deviation No. 5) AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed August 31, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Dayton over Ohio Highway 4.

No. MC–111231 (Deviation No. 7) JONES TRUCK LINE, INC., 514 East Emma Avenue, Springdale, Ark., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From Oklahoma City over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction with an unnumbered highway at or near Braman, Okla., thence over such unnumbered highway to the Kansas-Oklahoma State line, thence over Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Tulsa over U.S. Highway 66 to Oklahoma City: From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 28) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed August 10, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From the junction of U.S. Highway 111 and alternate U.S. Highway 111 at Baltimore, Md., over U.S. Highway 111 to junction of alternate U.S. Highway 111 immediately north of York, Pa., and from the junction of U.S. Highway 111 and access highway to York, Pa., over such access highway to York and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent route: From Baltimore over U.S. Highway 111 to Harrisburg and return over the same route.

No. MC–1501 (Deviation No. 29), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: Between junction Interstate Highway 94 and U.S. Highway 12 near Hudson, Wis., over Interstate Highway 94 to its junction with U.S. Highway 12 near Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Minneapolis, Minn., and Chicago, Ill., over numerous routes including U.S. Highway 12.

No. MC–1501 (Deviation No. 30), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over the

following deviation routes: (1) from Springfield, Ohio over Ohio Route 4 to junction relocated U.S. Highway 40, thence over relocated U.S. Highway 40 to junction Ohio Highway 69, and thence over Ohio Highway 69 to Dayton; (2) from Springfield over new Ohio Highway 4 to junction old Ohio Highway 4 east of Fairborn, Ohio; and (3) from Springfield over Ohio Highway 4 to junction relocated U.S. Highway 40, thence over relocated U.S. Highway 40 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 40 at Vandalia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: (1) from Springfield over unnumbered highway (old Ohio Highway 4) via Enon to junction new Ohio Highway 4, thence over Ohio Highway 4 to Dayton, Ohio; and (2) from Springfield over U.S. Highway 40 to Vandalia, and return over the same routes.

No. MC–1501 (Deviation No. 31), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 26, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From Goerke's Corner, Wis., over relocated U.S. Highway 16 (now Interstate Route 94), to a point four miles west thereof, thence over relocated U.S. Highway 16 to Oconomowoc, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Milwaukee, Wis., and Watertown, Wis., over U.S. Highway 16.

No. MC–1501 (Deviation No. 32), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 26, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From Welco Corner, Ill., over relocated U.S. Highway 66 (also designated Interstate Highway 55) to Gardner Interchange (junction of U.S. Highway 66 and Alternate U.S. Highway 66), and return over the same route, for operating convenience only, serving no intermediate points. The carrier is presently authorized to transport passengers between Chicago, Ill., and St. Louis, Mo., over U.S. Highway 66.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7700; Filed, Sept. 15, 1959; 8:48 a.m.]

[Notice 287]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 11, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local d.s.t.), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 704 (Sub No. 21), CORRECTION, filed September 12, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Louisville Station, Box 2836, Monroe, La. Applicant's attorney: Kretsinger and Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 1313 (Sub No. 8), (AMENDMENT), filed September 2, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: RIDGELY TRANSPORT, doing business as PIONEER-RIDGELY FREIGHT LINES, a corporation, 1509 Bent Avenue., Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Wyoming and Nebraska.

NOTE: This republication strikes the restriction "in Wyoming" from the previous notice, and reassigns the application for hearing before the proper Joint Board. The hearing date is unchanged.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 8989 (Sub No. 183), (CORRECTION), filed August 6, 1959, published issue FEDERAL REGISTER of September 2, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 14th and K Streets NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: The purpose of this republication is to correct the wording in the restriction so as to clarify the proposed transportation from the above-named points.

HEARING: Remains as assigned October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 19416 (Sub No. 10), CORRECTION, filed September 12, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, P.O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 26396 (Sub No. 9), (REPUBLICATION), filed May 15, 1958, published FEDERAL REGISTER, issue March 18, 1959, at page 2011. Applicant: STAR TRANSFER COMPANY, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 204–205 Behner Building, 2822 Third Avenue

North, Billings, Mont. By form BMC 78 application, filed May 15, 1958, applicant sought authority as a common carrier, by motor vehicle, of animal feed ingredients, from Crete, Nebr., to specified areas in Montana, North Dakota, South Dakota, and Wyoming, and contaminated and rejected shipments of the described products, on return. At the hearing held May 14, 1959, at Billings, Mont., before Examiner Leo A. Riegel, it was found that applicant, through error, requested authority to serve points in South Dakota *east* of the Missouri River, whereas the territory which it desires to serve and to which shipper requires service is that area in South Dakota lying *west* of the Missouri River. In a report and recommended order, served August 18, 1959, the Examiner found that the present and future public convenience and necessity required operations by applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *liquid animal feed ingredients,* consisting of urea, ethyl alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals, in bulk, in vinyl plastic or rubber lined vehicles or in a rubber tank or container by the use of a flat bed vehicle, from Chete, Nebr., to specified counties in Montana and Wyoming and points in North Dakota west of North Dakota Highway 3; and those in South Dakota west of the Missouri River, and *contaminated and rejected products* in possession of consignee, on return. The purpose of this republication in the FEDERAL REGISTER is to allow any person or persons who may have been prejudiced by the allowance of the amendment to file, within 30 days from the date of this publication, a protest or other pleading.

No. MC 29886 (Sub No. 157), filed August 19, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automotive Vehicles,* gasoline or electrically driven, weighing 2,000 pounds or less each, *including those equipped with material handling devices,* and *accessories* for such vehicles when moving with the aforementioned commodities, in initial movements, in truckaway service, from points in Orange and Los Angeles Counties, Calif., to points in the United States, including Alaska, and on return, such of the aforementioned commodities as are being returned to the manufacturer for rebuilding, resale, repair or which are for demonstration or show purposes, or which have been damaged or rejected. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 30, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 263), (CORRECTION), filed August 6, 1959, published issue FEDERAL REGISTER of September 2, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, an Ohio Corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Motor vehicles,* (other than passenger automobiles and trailers), and *chassis,* in secondary movements, in truckaway service, and *parts of,* or *accessories for,* such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo Ohio to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: The purpose of this republication is to correct the wording in the restriction so as to clarify the proposed transportation from the above-named points.

HEARING: Remains as assigned October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 30837 (Sub No. 264), filed August 7, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Three wheeled automotive vehicles,* and *parts* of, or *accessories* for such vehicles when transported therewith, from Oakland, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 29, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 415) filed August 18, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Ronald E. Poelman, Consolidated Freightways, Inc., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils,* from Oakland, Calif., to Gabbs, Nev. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: October 28, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 66562 (Sub No. 1483), (REPUBLICATION), filed March 19, 1959, published issue FEDERAL REGISTER of April 22, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, same address as applicant. By application filed March 19, 1959, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities, including Class A and B explosives,* moving in express service, (1) between Port Jervis, N.Y., and junction U.S. Highway 209 and New York Highway 17, over U.S. Highway 209, serving no intermediate points, (2) between junction U.S. Highway 209 and unnumbered New York Highway, at or near Spring Glen, N.Y., and Junction New York Highways 42 and 52, from junction U.S. Highway 209 and unnumbered New York Highway over U.S. Highway 209 to junction New York Highway 52, and thence over New York Highway 52 to junction New York Highway 42, and return over the same route, serving no intermediate points, and (3) serving Monticello, N.Y., as an off-route point in connection with applicant's authorized regular-route operations between Middletown and Roscoe, N.Y. The notice of the filing of the application as published in the FEDERAL REGISTER failed to reflect the entire authority sought in the amended application. In a corrected report and recommended order, served July 23, 1959, the examiner found that an appropriate certificate authorizing such operations should be granted, subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; (3) The authority granted herein, to the extent that it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring five years from the date of the certificate; and (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, air or railway express service; Issuance of an appropriate certificate herein will be withheld for a period of 30 days from the date of this republication in the FEDERAL REGISTER, during which period any interested proper party may file an appropriate protest or other pleading.

No. MC 72140 (Sub. No. 39), filed August 31, 1959. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* in containers, including but not limited to Sealtank, sealbin and Nest-a-bin containers, in or upon ordinary vehicles

over the routes and in the territories including all termini and all intermediate and off-route points authorized to be served at the present time by applicant. Applicant is authorized to transport general commodities with certain exceptions in Illinois, Indiana, Michigan and Ohio, and other specified commodities in Illinois, Indiana, Michigan, Missouri and Ohio.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 73675 (Sub No. 26), (AMENDMENT), filed May 18, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as *a common carrier,* by motor vehicle, over irregular routes, transporting: (1) *General commodities,* except commodities in bulk and commodities requiring special equipment, and *shipper-owned compressed gas trailers,* loaded with compressed gas (other than liquefied petroleum gas), or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular-route operations to and from Denver, Colo., and (2) *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas and Illinois.

NOTE: This republication strikes the restriction "in Wyoming" from Route (2) of the previous notice, and reassigns the application for hearing before the proper Joint Board.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 76032 (Sub No. 138), filed September 10, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including Class A, B, and C explosives and shipper-owned compressed gas trailers,* loaded with compressed gas (other than liquefied petroleum gas), or empty, but excluding commodities of unusual value, uncrated household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor within 60 miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas and Nevada.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 88300 (Sub No. 22), filed June 29, 1959. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used farm tractors,* and *farm equipment* used in connection therewith when a part of a shipment of farm tractors, in secondary movements, by truckaway service, from points in Florida, Georgia and South Carolina, and Mobile, Ala., to points in the United States, including Alaska. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: November 6, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 88300 (Sub No. 23), filed June 29, 1959. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New and used automobiles, trucks and busses,* and *parts and accessories* of such vehicles moving in connection therewith, in secondary movements, by truckaway service, from points in Florida and Georgia, to points in North Carolina, South Carolina, Mississippi and Alabama, and from points in South Carolina, and Mobile, Ala., to points in Florida, Georgia, Alabama, Tennessee, Kentucky and Mississippi, and from points in Georgia, to points in Florida, Georgia, Tennessee, Kentucky and Mississippi. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: November 4, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 92983 (Sub No. 362), filed July 2, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acid* and *chemicals,* in bulk, from Memphis, Tenn., to points in Iowa, Kansas and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

HEARING: October 6, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 92983 (Sub No. 363), filed July 16, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals,* in bulk, from Saginaw, Mo., and points within 15 miles thereof, to points in Arkansas, Kentucky, Mississippi and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Wyoming.

HEARING: October 6, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub No. 309), filed July 13, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packing houses,* as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, 272–273, from Flint, Mich., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Virginia, and those in Louisiana on and east of the Mississippi River including the Commercial Zones of Baton Rouge and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

HEARING: October 26, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 96339 (Sub No. 6), (AMENDMENT), filed September 2, 1959, published issue FEDERAL REGISTER of September 10, 1959. Applicant: MONA RIDGELY, doing business as ARROW MOVING & STORAGE CO., 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Cheyenne, Wyo., on the one hand, and, on the other, intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within a 70-mile radius of Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Colorado, and Nebraska.

NOTE: This republication strikes the restriction "in Wyoming" from the previous notice, and reassigns the aplication for hearing before the proper Joint Board. The hearing date is unchanged.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 98088 (Sub No. 8), (CORRECTION) filed June 8, 1959, published issue FEDERAL REGISTER of August 12, 1959. Applicant: LINDLEY TRUCKING SERVICE, INC., 3618 Vandalia Road, Des Moines, Iowa. Applicant's representative: John M. Ropes, 200 56th Street, Des Moines, Iowa. Previous publication indicated applicant's representative's address as Chairman, State Commerce Commission, State House, Des Moines, Iowa, in error. Applicant's representative's correct address is 200 56th Street, Des Moines, Iowa.

HEARING: Remains as assigned September 18, 1959, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 103435 (Sub No. 85), (AMENDMENT), filed May 18, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Class A and B explosives*, and *general commodities*, except those of unusual value and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor, within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular-route operations to and from Denver, Colo.; and (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska, within 70 miles of Cheyenne, Wyo., as off-route points, in connection with applicant's regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: This republication strikes the restriction "in Wyoming" from Route (2) of the previous notice, and reassigns the application for hearing before the proper Joint Board.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 105813 (Sub No. 40), filed August 13, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17, Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods* and *citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Illinois, except Chicago, and those in Missouri, except St. Louis. Applicant is authorized to conduct operations in Illinois, Wisconsin, Florida, Indiana, Kansas, Missouri, South Carolina, New York, Pennsylvania, District of Columbia, Maryland, Massachusetts, Rhode Island, Virginia, Ohio and Kentucky.

HEARING: October 28, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 105881 (Sub No. 27), filed July 6, 1959. Applicant: M. R. & R. TRUCKING COMPANY, a Corporation, 715 North Ferdon Boulevard, Crestview, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Dothan, Ala., and Malone, Fla.: from Dothan over Alabama Highway 53 to the Alabama-Florida State line, thence over Florida Highway 71 to Malone, and return over the same route, serving no intermediate points; and (2) between Dothan, Ala., and junction U.S. Highway 231 and Florida Highway 20, in Bay County, Fla.: from Dothan over U.S. Highway 231 to junction with Florida Highway 20, and return over the same route, serving no intermediate points except Cottondale, Fla., service to this point limited to joinder with applicant's other authorized service. Applicant is authorized to conduct operations in Florida, Georgia and Alabama.

HEARING: November 3, 1959, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 106497 (Sub No. 12), CORRECTION, filed August 28, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 3807, 2000 East Jasper, Tulsa 23, Okla. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 107002 (Sub No. 148), filed July 21, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marine animal oil*, in bulk, in tank vehicles, from points in Florida, Alabama, Mississippi (except Pascagoula and Moss Point) and Louisiana to Mobile, Ala., and Good Hope and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 29, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 107636 (Sub No. 2), filed April 6, 1959, published issue FEDERAL REGISTER May 20, 1959, at page 4078. Applicant: M. M. CAMPION AND GEORGE KINGSHOTT, doing business as C & K Transport, Box 427, New Buffalo, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. The notice of the scope of the application, published in the FEDERAL REGISTER on May 20, 1959, stated, in part, that the applicant was seeking authority to transport *fly ash*, from the sites of the Chicago Edison Company plant sites located in the Chicago, Ill. Commercial Zone area from Romeo, Ill., to points in the Lower Peninsula of Michigan and to points in Lake, Porter, LaPorte, Saint Joseph, Elkhart, Lagrange, and Steuben Counties, Ind. It was developed at the hearing that the said notice was in error in describing the origin points as plant sites of the Chicago Edison Company, and that the notice should have read plant sites of the Commonwealth Edison Company. Moreover, since the evidence adduced at the hearing on the application held July 1, 1959, at Chicago, Ill., revealed that there was a need for applicant's proposed service from points in the

Chicago Commercial Zone other than from the plant sites of the Commonwealth Edison Company, the joint board allowed an amendment to the application to correctly describe the proposed operations, subject to a republication in the FEDERAL REGISTER. The application, as amended, is for authority to operate as a *contract carrier* by motor vehicle of (1) *fly ash,* in bulk, in tank vehicles, or in bags, in quantities of 40,000 pounds or more, from points in the Chicago Commercial Zone, as defined by the Commission, and from Romeo, Ill., to points in the Lower Peninsula of Michigan, and to points in Lake, Porter, LaPorte, Saint Joseph, Elkhart, Lagrange, and Steuben Counties, Ind., and (2) *lime,* in bulk, in quantities of 36,000 pounds or more, from points in Muskegon County, Mich., to points in Illinois and Indiana, all over irregular routes.

NOTE: The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment, may, within thirty (30) days from the date of this publication in the FEDERAL REGISTER, file an appropriate petition for further hearing.

No. MC 109346 (Sub No. 5), CORRECTION, filed August 21, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: J. L. COX & SON, INC., P.O. Box 9476, Raytown 33, Mo. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 110410 (Sub No. 4), filed June 25, 1959. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. Applicant's attorney: Devereaux F. McClatchey, Hurt Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Magazines,* and *refused* and *returned shipments* of magazines, (1) between Jacksonville, Fla., and Tallahassee, Fla., from Jacksonville over U.S. Highway 90 via Lake City, Live Oak, Madison, Greenville, and Monticello to Tallahassee, thence return over U.S. Highway 27 via Perry to Mayo, thence over Florida Highway 51 to Live Oak, thence over U.S. Highway 90 to Watertown, thence over Florida Highway 100 to Lake Butler, thence over Florida Highway 23 to McClenny, thence over U.S. Highway 90 to Jacksonville, and return over the same route, serving all intermediate points; (2) between Tallahassee, Fla., and DeFuniak Springs, Fla., from Tallahassee over U.S. Highway 27 (formerly Florida Highway 63) to Havana, thence over Florida Highway 12 to Quincy, thence over U.S. Highway 90 via Chattahoochee, Marianna, Chipley and Bonifay to DeFuniak Springs, thence return over U.S. Highway 331 via Freeport to the intersection of U.S. Highway 98, thence over U.S. Highway 98 via Panama City to Port St. Joe, thence over Florida Highway 71 to Blountstown, thence over Florida Highway 20 to Tallahassee, and return over the same route, serving all intermediate points; (3) between Jacksonville, Fla., and Miami, Fla., over U.S. Highway 1, via St. Augustine, Daytona Beach, Titusville, Cocoa, Vero Beach, Stuart, West Palm Beach, Palm Beach and Ft. Lauderdale, serving all intermediate points; (4) between Jacksonville, Fla., and Orlando, Fla., from Jacksonville over U.S. Highway 17 via Green Cove Springs, Palatka and De Land to Orlando, thence return over U.S. Highway 441 (formerly Florida Highway 500), via Apopka, Mt. Dora, Leesburg, and Ocala to Gainesville, thence over Florida Highway 24 to Starke, thence over U.S. Highway 301 (formerly Florida Highway 200), to Maxville, thence over Florida Highway 228 to Jacksonville, and return over the same route, serving all intermediate points; (5) between Tampa, Fla., and Orlando, Fla., over U.S. Highway 92 (formerly Florida Highway 600), via Lakeland, and Haines City, serving all intermediate points; (6) between Tampa, Fla., and Ft. Myers, Fla., over U.S. Highway 41 (formerly Florida Highway 45), via Bradenton, Sarasota and Punta Gorda, serving all intermediate points; (7) between Titusville, Fla., and Orlando, Fla., over Florida Highways 50 and 405, serving all intermediate points; (8) between Tampa, Fla., and St. Petersburg, Fla., over U.S. Highway 92, serving all intermediate points. Applicant is authorized to conduct operations in Florida and Georgia.

HEARING: October 29, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 111159 (Sub No. 91), filed July 20, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Washington County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 111159 (Sub No. 92), filed July 20, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except petroleum base herbicide), in bulk, in tank vehicles, from Coahoma County, Miss., to points in Arkansas, (except the transportation of liquefied petroleum gases, in bulk, in tank vehicles, to points in Arkansas within 150 miles of Henderson, Texas). Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: October 8, 1959, at Claridge, Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 112520 (Sub No. 34), filed July 6, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 3, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Resins, resinous compounds, rosin, rosin derivatives, tall oil* and *tall oil products,* in bulk, in tank vehicles, from points in Florida, except Pensacola to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

NOTE: No duplication of authority is being sought.

HEARING: November 2, 1959, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 393, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 112617 (Sub No. 60), filed September 8, 1959. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities,* in bulk, in tank, hopper, and dump vehicles, and *rejected shipments* of dry commodities, and *empty containers or other such incidental facilities* used in transporting dry commodities, between points in Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio.

Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 19, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 115491 (Sub No. 16), filed July 17, 1959. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 155 West Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned citrus products* (not requiring refrigeration), from Auburndale, Fla., to Minneapolis and St. Paul, Minn. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, and Wisconsin.

HEARING: October 27, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 116727 (Sub No. 3), filed July 6, 1959. Applicant: NELSON TRANSPORTATION COMPANY, INC., P.O. Box 1011, 827 Endor Street, Sanford, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber* and *flake board,* from Sanford, N.C., and points within 100 miles thereof, to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut and New York, including points in the New York, N.Y., Commercial Zone, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: November 17, 1959, at the U.S. Court Rooms, Uptown P.O. Bldg., Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 117571 (Sub No. 2), filed July 15, 1959. Applicant: L. L. ALLEN, doing business as L. L. ALLEN MOTOR LINES, Box 397, Cashiers, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asbestos ore,* in bulk, from points in Jackson, Transylvania, Avery, Yancey and Mitchell Counties, N.C., and those in Rabun County, Ga., to Baltimore, Md.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 118927 (Sub No. 1) (CORRECTION), filed May 29, 1959, published issue FEDERAL REGISTER of August 12, 1959. Applicant: LEWIS VAN HOOSEAR, doing business as VAN HOOSEAR'S TRUCK LINE, 521 Watrous Street, Des Moines, Iowa. Applicant's representative: John M. Ropes, 200 56th Street, Des Moines, Iowa. Previous publication indicated applicant's representative's address as Chairman, State Commerce Commission, State House, Des Moines, Iowa, in error. Applicant's representative's correct address is 200 56th Street, Des Moines, Iowa.

HEARING: Remains as assigned September 17, 1959, at the Federal Office Building., 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 119002 (AMENDMENT), filed June 16, 1959, published FEDERAL REGISTER issue of August 19, 1959. Applicant: W. S. BUGG, L. C. DAVIS & R. R. DAVIS, doing business as BUGG & DAVIS TRUCK LINES, Warrenton, N.C. Applicant's attorneys: Stanley Winborne and Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Warren County, N.C., to points in Virginia, West Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting Lumber on return movements.

NOTE: The purpose of this republication is to reflect that the authority sought by applicant is that of a contract carrier rather than a common carrier as originally filed.

HEARING: Remains as assigned September 21, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James O'D. Moran.

No. MC 119011, filed June 18, 1959. Applicant: W. L. LANNING, doing business as LANNING TRUCK LINES, P.O. Box 42, Fletcher, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Concentrate feed,* from Chattanooga, Tenn., to points in Buncombe County, N.C., *bag feed, bulk feed,* and *poultry supplies,* from points in Buncombe County, N.C., to Blairsville, Ga., *animal and poultry feed,* from points in Buncombe County, N.C., to points in South Carolina, and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

NOTE: Applicant states special equipment will be used in the proposed transportation.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 119031, filed June 26, 1959. Applicant: NEWSOM TRANSPORTS, INC., 1401 Roanoke Avenue, Roanoke Rapids, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid petroleum products,* in bulk, in tank vehicles, between Norfolk, Va., and ten miles thereof, on the one hand, and, on the other, points in Halifax, Northampton Counties, and the town of Littleton, N.C.

NOTE: Applicant states that this transportation is to be restricted solely to the account of Newsom Oil Company, Inc., which is under common ownership and control with the applicant.

HEARING: November 16, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 119106, filed July 29, 1959. Applicant: KENNETH J. PANGBURN, Marathon, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *House trailers,* in driveaway service, between points in Monroe County, Fla., and points in Georgia, Alabama, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, Virginia, West Virginia, New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Tennessee, Maryland, Ohio, Illinois, Indiana, Pennsylvania, Minnesota, Michigan, Wisconsin and the District of Columbia.

HEARING: October 27, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 119113, filed July 31, 1959. Applicant: F. N. RUMBLEY COMPANY, a Corporation, 2100 South Van Ness Avenue, Fresno, Calif. Applicant's attorney: Frank Loughran, Suite 1620 Russ Building, San Francisco 4, Calif. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas* (propane), in tank vehicles, during the period September 1 through March 31 of each year, from Avon, Coalinga Nose, Kettleman Hills, Coles Levee, Poloma, Mayo Spur, Wadstrom, Belridge and El Segundo, Calif., to the plant site of The Sierra Pacific Power Company, located approximately two miles east of Reno, Nev., and *rejected shipments* of liquefied petroleum gas on return. Applicant is authorized to conduct common carrier operations in New Mexico, California, Nevada and Arizona.

NOTE: Dual operations may be involved. Applicant states that the above transportation will be performed for the Tidewater Oil Company.

HEARING: October 28, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 120307. Applicant: MORVEN FREIGHT LINES, INCORPORATED, Box 471, Morven, N.C. Assigned for hearing to determine whether the motor vehicle operations of Morven Freight Line, Incorporated are and will be managed and operated in a common interest, management and control with those of Ratliff & Ratliff, Inc., a multiple-State operator holding certificates in No. MC 107409 and sub dockets thereunder, and the eligibility of the said Morven Freight Lines, Incorporated to engage in operations in interstate or foreign commerce within the State of North Carolina under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown P.O. Bldg., Raleigh, N.C., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 1255 (Sub No. 7), filed August 26, 1959. Applicant: MARGUERITE E. McGINN, doing business as McGINN BUS COMPANY, 99 Cottage Street, Lynn, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending at Lynn, Marblehead, Salem, Peabody and Danvers, Mass. and extending to Salem, N.H., restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destination and return for the purpose of participating in games commonly referred to as beano and bingo games. Applicant is authorized to conduct operations in Massachusetts, New Hampshire, Rhode Island, New York, Maine, Vermont, and Connecticut.

HEARING: October 16, 1959, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Harry Ross, Jr.

No. MC 74761 (Sub No. 8), filed March 30, 1959. Applicant: TAMIAMI TRAIL TOURS, INC., 1010 East Lafayette Street, Tampa, Fla. Applicant's attorney: A. Pickens Coles, First National Bank Building, Tampa 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *light express* in the same vehicle with passengers, (1) between Canal Point, Fla., and Jacksonville, Fla.: from Canal Point over U.S. Highway 441, via Okeechobee and Holopaw, to junction Florida Highway 15, thence over Florida Highway 15 via Ashton and Narcoossee, to Orlando, thence over U.S. Highway 17 via Sanford to DeLand, thence over Florida Highway 11 to Bunnell, and thence over U.S. Highway 1, via St. Augustine, to Jacksonville, and return over the same route, serving all intermediate points; and (2) between Gainesville, Fla., and Jacksonville, Fla.: from Gainesville over Florida Highway 26 via Orange Heights and Melrose to junction Florida Highway 21, and thence over Florida Highway 21, via Keystone Heights, Middleburg and Wesconnet, to Jacksonville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct passenger carrier operations in Florida, Georgia and Alabama.

HEARING: November 10, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 115116 (Sub No. 4), (CORRECTION), filed December 29, 1958, published in FEDERAL REGISTER issue of April 8, 1959, at page 2716. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Line 34 of the notice of filing of the subject application, published in the FEDERAL REGISTER, on the date and page shown above, read: "velt Avenue in Carteret, N.J., *and* access". This was in error. Correctly stated, that line reads: "velt Avenue in Carteret, N.J., *to* access". Line 48 of the application in the previous publication read: "continue *over* said boundary line to", which was also in error. Correctly stated that line reads: "*continuing from* said boundary line to".

HEARING: Remains as assigned September 22, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 89778 (Sub No. 75), filed September 3, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives* and *blasting supplies*, between Wolf Lake, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Arizona, Montana, New Mexico, Utah and Wyoming. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Nevada, Oregon and Washington.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 89778 Sub 69. Dual operations may be involved.

No. MC 114803 (Sub No. 5), filed September 3, 1959. Applicant: JOSEPH E. GLACKEN AND CHARLES GLACKEN, doing business as GLACKEN BROS., 4083 Faires Parkway, Decatur, Ill. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Non-Poisonous compressed gases*, in shipper-owned manifold tube trailers, from the site of the National Petro Chemical Company plant at Ficklin, Ill., to Denver, Colo., and points within twenty-five (25) miles of Denver except Waterton, Colo., and *empty shipper-owned manifold tube trailers* on return movements. Applicant is authorized to conduct operations in Illinois and Indiana.

NOTE: Applicant states the proposed operation is to be performed under a continuing contract with Air Reduction Sales Company, a division of Air Reduction Company, Inc., a New York Corporation.

No. MC 119200 filed, September 8, 1959. Applicant: THEODORE M. VAUGHN, P.O. Box 135, Peach Springs, Ariz. Applicant's attorney: John Francis Connor, Suite 1, Luhrs Tower, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *U.S. mail, baggage* and *express*, between Peach Springs, Ariz., and Kingman, Ariz.: from Peach Springs over U.S. Highway 66 to Kingman, and return over the same route, serving the intermediate points of Valentine and Hackberry, Ariz.

PETITIONS

No. MC 19201 (PETITION FOR REOPENING AND MODIFICATION OF CERTIFICATE), filed August 31, 1959. Petitioner: PENNSYLVANIA TRUCK LINES, INC., Pittsburgh, Pa. Petitioner's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Certificate No. MC 19201 issued March 5, 1943, authorized petitioner, among other rights, to transport: *General commodities*, except dangerous explosives, over regular routes, as follows: "Between Spring Creek, Pa., and Belle Valley, Pa.: From Spring Creek over Pennsylvania Highway 177 to Corry, Pa., thence over U.S. Highway 6 to Union City, Pa., thence over Pennsylvania Highway 97 to Erie, Pa., and thence over Pennsylvania Highway 8 to Belle Valley." (Pennsylvania Highway 177 is now designated Pennsylvania Highway 426). "Between Garland, Pa., and Ludlow, Pa.: From Garland over Pennsylvania Highway 27 to Pittsfield, Pa., thence over U.S. Highway 6 to Ludlow." Service over the aforesaid routes is subject to the following conditions: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg, Erie, and Warren, Pa." As a result of a previous petition filed March 4, 1957, the Certificate No. MC 19201, the condition was modified by the addition of the following proviso: "*Provided, however*, That this condition shall not apply in connection with the movement of express and baggage (1) between Spring Creek, Pa., and Belle Valley, Pa., and (2) between Garland, Pa., and Ludlow, Pa., over the routes above-described: *And provided, further*, That operation over these two routes shall be subject to the following condition, in lieu of the key-point restriction herein eliminated; shipments transported shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, a prior or subsequent movement by rail;" Subject petition seeks to remove Warren, Pa., as a key-point and the further modification of said condition so that same would read, in its entirety, as follows: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg and Erie, Pa." Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 71536, and MC 71536 (Sub No. 1), (Sub No. 2), and (Sub No. 3), (PETITION FOR DECLARATORY ORDER), filed August 31, 1959. Petitioner: ARROW CARRIER CORPORATION, Carlstadt, N.J. Petitioner's attorney: Spencer R. Liverant, 11 East Market

Street, York, Pa. Arrow Carrier Corporation, petitioner, has been conducting operations in the transportation of property from origin points in Pennsylvania to destination points in Pennsylvania, through New Jersey, under its Certificate No. MC 71536, and Subs 1, 2, and 3. Petitioner requests an order interpreting its Certificates; or, that the Commission enter a declaratory order finding: (1) That the certificates were not intended to, nor do they, limit the transportation to shipments moving between points in Pennsylvania, on the one hand, to points in other states, on the other; (2) that petitioner under its authorities may conduct interstate operations between Pennsylvania points through the New Jersey gateway to the extent specified in its certificates and may interchange or interline shipments moving from or to points in Pennsylvania beyond its authorized areas of service with connecting interstate carriers so long as such traffic moves through New Jersey; and that the Commission issue such order or orders as may be proper in the premises.

HEARING: October 13, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6793 (WRIGHT MOTOR LINES, INC.—CONTROL—L. L. JOHNSON TRUCK LINES, INC.), published in the January 8, 1958, issue of the FEDERAL REGISTER on page 158, consummated April 8, 1959. Petition filed September 8, 1959, by applicants for reopening of the proceeding for the purpose of seeking authority for merger into WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., of L. L. JOHNSON TRUCK LINES, INC., 1000 East Main Street, Independence, Kans., and for acquisition by EARL BRAY, INC., and, in turn, by SAM E. CARPENTER, FRANK E. COCHRAN, CLARA E. BRAY and MARY E. COCHRAN, all of Cushing, Okla., of control of such rights and property through the transaction.

No. MC–F 6976 (W. T. BYRNS MOTOR EXPRESS, INC.—PURCHASE—FRED S. GEORGE & SON, INC.). Post-hearing amendment filed August 10, 1959, to application, notice of which was published in the FEDERAL REGISTER of August 20, 1958, at page 6396. Application amended so as to present a partial purchase, with the vendor proposing to retain that part of its operating rights authorizing the transportation of *contractors' equipment, material,* and *supplies,* between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, and between points in those six states, on the one hand, and, on the other, points in New York, over irregular routes.

No. MC–F 7306. Authority sought for purchase by GENERAL DELIVERY, INC., 36 East Grafton Road, Fairmont, W. Va., of the operating rights and property of DONALD J. SOLE, doing business as SOLE'S TRANSFER, Route 50, East, P.O. Box 728, Clarksburg, W. Va., and for acquisition by WALTER P. THOMPSON and VIRGINIA L. THOMPSON, both of Fairmont, of control of such rights and property through the purchase. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Operating rights sought to be transferred: *Household goods,* as defined by the commission, as a *common carrier* over irregular routes, between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Kentucky, Maryland, and Virginia; *machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, including pipe line development, between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Kentucky, Maryland, and Virginia; *machinery, highway and building construction materials, glassware, pottery ware, livestock, and crating materials,* between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Kentucky, Ohio, Maryland, and Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, New York, Ohio, Virginia, Pennsylvania, Kentucky, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7307. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., of a portion of the operating rights of GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, of control of such rights through the purchase. Applicant's attorney and representative, respectively: Donald Stern, 924 City National Bank Building, Omaha, Nebr., and H. Lauren Lewis, President, Midwest Coast Transport, Inc., P.O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *Glass containers and accessories therefor,* in cartons, and *knocked-down paperboard boxes, fillers,* and *advertising matter* moving in connection therewith, as a *common carrier* over irregular routes, from Huntington, W. Va., and points within five miles thereof, to points in Wisconsin within 150 miles of Stevens Point, including Stevens Point. Vendee is authorized to operate as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, North Dakota, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Idaho, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7309. Authority sought for control and merger by M & M TRANSPORTATION COMPANY, 250 Mystic Avenue, Somerville 45, Mass., of the operating rights and property of CENTRAL JERSEY MOTOR LINES, INC., 728 State Street, P.O. Box 124, York, Pa., and for acquisition by HARRY MARKS, 26 Nancy Road, Newton, Mass., WESLEY MARKS, 94 Redwood Road, Newton, Mass., SIDNEY MALKIN, 193 West Shore Road, Kings Point, N.Y., and SIDNEY MARKS, 186 Laurel Road, Chestnut Hill, Mass., of control of such rights and property through the transaction. Applicants' attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, certain points in New Jersey and Pennsylvania, and between certain points in New Jersey on the one hand, and, on the other, certain points in Pennsylvania; *metel office furniture and equipment,* as a *contract carrier* over irregular routes, from Avenel, N.J., to New York, N.Y., points in Connecticut, points on Long Island, N.Y., and certain points in Pennsylvania. M & M TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Connecticut, New Jersey, New York, Rhode Island and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7310. Authority sought for purchase by DYER-O'HARE HAULING CO., 2128 South Hanley Road, Maplewood 17, Mo., of a portion of the operating rights of MERCHANTS TRANSFER & STORAGE COMPANY, 428 Western Avenue, Davenport, Iowa, and for acquisition by R. A. BROWN, Box 248, Bettendorf, Iowa, C. F. ILES and H. E. McKINNEY, both of 214 15th Street, Des Moines, Iowa, of control of such rights through the purchase. Applicants' attorney: Rex H. Fowler, 510 Central National Building, Des Moines, Iowa. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, Milan, Silvis, and Carbon Cliff, Ill., on the one hand, and, on the other, points in that part of Iowa on and east of U.S. Highway 69. Vendee is authorized to operate as a *contract carrier* in Illinois, Missouri, Indiana and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7311. Authority sought for purchase by W. J. POPE AND V. W. POPE, doing business as AETNA FREIGHT LINES, 218 West Ann Street, Los Angeles 12, Calif., of the operating

rights and property of V. W. POPE, doing business at AETNA FREIGHT LINES, 218 West Ann Street, Los Angeles 12, Calif. Applicants' representative: William J. Pope, Co-partner, Aetna Freight Lines, 218 West Ann Street, Los Angeles 12, Calif. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission; *washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates,* and *rubber tires,* from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in the San Francisco, Calif., Commercial Zone, as defined by the Commission. The service authorized is restricted to traffic moving to the territories or possessions of the United States. Vendee is authorized to operate as a *common carrier* under the Second Proviso of section 206(a)(1) in California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7308. Authority sought for purchase by SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, c/o George H. Rosen, 291 Broadway, Suite 504, New York, N.Y., of the operating rights of INTERSTATE LIMOUSINE SERVICE, INC., 8 South Maryland Avenue, Atlantic City, N.J., and for acquisition by JACK MIROW, 1222 Jerome Avenue, Bronx 52, N.Y., and GEORGE H. ROSEN, 291 Broadway, New York 7, N.Y., of control of such rights through the purchase. Applicants' attorneys: George H. Rosen, 291 Broadway, New York 7, N.Y., and Sol Paseltiner, 20 South Broadway, Yonkers, N.Y. Operating rights sought to be transferred: *Passengers and their baggage,* in special operations consisting of non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle but not including the driver thereof nor children under 10 years of age who do not occupy a separate seat or seats, as a *common carrier* over irregular routes, between New York, N.Y., and Atlantic City, N.J. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7701; Filed, Sept. 15, 1959; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 14, 1959

S. 1221 ..... Public Law 86-271
An Act to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands.

S. 2424 ..... Public Law 86-274
An Act to amend the Communications Act of 1934 in order to provide that the equal-time provisions with respect to candidates for public office shall not apply to news and other similar programs.

S. 2524 ..... Public Law 86-272
An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto.

H.J. Res. 281 ..... Public Law 86-270
Joint Resolution authorizing and requesting the President to issue a proclamation with respect to the 1959 Pacific Festival, and for other purposes.

H.R. 6781 ..... Public Law 86-273
An Act to authorize the Secretary of the Interior to acquire certain additional property to be included within the Independence National Historical Park.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.